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IDAHO LEGISLATURE

Fifth Session.

JOURNAL

of the Proceedings of the

Council.

Commencing December 7th 1868 – Ending January 15th 1869

— J. S. TAYLOR — PRESIDENT — GEO AINSLIE — SECRETARY —

First Day.

Council Chamber.

Boise City, December 7th 1868.

Pursuant to law the Legislative Council met at the Capitol at 12 o'clock M. In the absence of J. W. Davis, Secretary of the Council of the 4th session of the Legislature, Edward Rayner, assistant Secretary of the Council of the Fourth session, called the Council to order and stated that he had received the following document from the Secretary of the Territory:

Members of Council.

Ada County.	Paul G. W.
Alturas "	Anderson C. S.
Boise "	Vance W. M.
" "	Allen R. G.
" "	Bonner A. J.
"	Dudley C. C.
Idaho "	Howard S. P. C.
Nez-Perces "	Taylor J. S.
Owyhee "	Ensign F. E.
Oneida "	Taylor J. M.
Shoshone "	Yantis B. F.

Secretary's Office, I. T.

I hereby certify, that at a General Election held in and for the Territory of Idaho on the tenth day of August, A. D. 1868 the foregoing named persons were elected to the Council of the Idaho Legislature.

In testimony whereof I have hereunto set my hand and affixed the Seal of the Territory at Boise City, this 7th day of December, A. D. 1868.

S. R. Howlett
Secretary of the
Territory.

The Council then proceeded to a temporary organization.

On motion of Mr. Dudley, Mr. B. F. Yantis was chosen President pro. tem. of the Council.

President pro tem in the Chair.

On motion of Mr. Paul Mr S. B. Dilley was appointed Sergeant at Arms, pro tem.

On motion of Mr. Paine, L. F. Alfrey was appointed to act as Doorkeeper pro tem.

On motion of Mr. Dudley, E. Rayner was appointed to act as Secretary pro. tem.

On motion of Mr. Dudley the Secretary was instructed to call the roll of the members elect— the following members appearing and answering to their names:

G. W. Paine (Ada County) N. S. Anderson (Alturas County) W. M. Vance, R. G. Allen, A. J. Brunner and C. C. Dudley (Boise County) S. P. C. Howard (Idaho County) J. S. Taylor (Nez Perces County), F. E. Ensign, Owyhee County) and B. F. Yantis (Shoshone County).

On motion of Mr Allen, the following committee of three members consisting of Mess. Allen, Ensign and Howard were appointed on credentials.

Mr. Paine introduced the following resolution:

Resolved: That the rules and joint-rules of the fourth Legislature be adopted as the rules for the government of the Council, during its temporary organization.

On motion of Mr Dudley the resolution was adopted.

On motion of Mr Allen the Council then adjourned to meet on Tuesday, December 8th at 11 o'clock A. M.

J. S. Taylor
President Council

Geo. Ainslie
Secretary

Second Day

Council Chamber
Boise City, December 8th 1868.

Council met pursuant to adjournment, Mr. Yantis in the chair.

Roll called. Members all present.

Journal of yesterday read and approved.

Mr. Allen from the committee on credentials made the following report:

Mr. President

Your Committee on credentials beg leave to report, that upon an examination of the certificates presented to the committee, they find the following named persons duly elected to seats in the Legislative Council of the 5th Session

Ada County		C. W. Pane
Alturas	"	W. S. Anderson
Boise	"	R. G. Allen
"	"	A. J. Bonner
"	"	W. M. Vance
Idaho	"	~~C. P. C. Dudley~~ S. P. C. Howard
Nez Perces	"	J. O. Taylor
Owyhee	"	F. E. Ensign
Oneida	"	J. M. Taylor
Shoshone	"	B. F. Yantis.

Boise City, I. T.
Dec 7th 1868.

R. G. Allen
F. E. Ensign
S. P. C. Howard
Com.

On motion the report was adopted.

On motion of Mr Anderson a committee of two, consisting of Mes. Anderson and Taylor was appointed by the chair to wait upon Judge Bowers and request him to administer the oath of office to the members. The committee returned and introduced Chief Justice Bowers to the President pro tem, who introduced him to the council.

Chief Justice Bowers then administered the oath of Allegiance and of office to the members of the Council

On motion of Mr. Taylor a vote of thanks was tendered to Chief Justice Bowers.

On motion of Mr. Dudley the Council proceeded to the election of officers for a permanent organization.

Mr. Vance nominated Mr. Taylor of Nez Perces for President.

On roll call Mr. Taylor received nine votes, being a majority of all the votes cast, was declared duly elected President of the Council.

On motion of Mr. Brunner the chair appointed a committee of two, consisting of Messrs. Brunner and Ensign, to conduct the President elect — Mr. Taylor — to the chair, who was introduced by the committee and then addressed the Council as follows:

Gentlemen of the Council:

With due deference for your choice in placing me in the chair, I accept the position. In doing so I am aware that some of you are my seniors in years and there is no doubt but you would have presided with more dignity and gravity. You will bear me witness when I say I solicited no one for his vote in order to secure my election, therefore I feel the more grateful for this evidence of your high consideration.

We are at the beginning of the fifth session of the Idaho Territorial Legislature and there is no doubt but it is a period in our history that requires legislation of great importance to the people of the Territory. It may be said with some force that our acts will contribute no little to our future prosperity. Believing that to be so, and that our communities possess germs of a great State we ought to guard with considerable care the trust that is placed temporarily in our hands. We may be divided for our political preferences; but now the general welfare of all should supersede every other consideration. The wishes, interests and sympathies of our population are uniform and indivisible. I shall claim your indulgence at all times, and if I commit errors, as doubtless I will, let me assure you they will not be intentional. If your deliberations are characterized by wisdom and harmony and labors terminate pleasantly, our meeting together will be crowned with success. Gentlemen accept my thanks for the honor conferred.

The council then proceeded to the election of a Secretary.

Mr. Allen nominated George Ainslie. Upon roll call Mr. Ainslie was declared unanimously elected secretary.

Mr. Ensign nominated O. H. Purdy, assistant Secretary. On roll call Mr. Purdy was declared unanimously elected assistant secretary.

Mr Anderson nominated Mr Thomas Sweeney for Enrolling Clerk who was declared unanimously elected.

Mr. Howard nominated W. W. Halingham for Engrossing Clerk who was declared unanimously elected.

Mr Ensign nominated S. B. Dilly for Sergeant at Arms, who was elected by acclamation.

Mr Bunner nominated Lewis F. Alfrey, Door Keeper who was elected unanimously.

Mr Vance nominated Robert Gillespie, Page. who was elected unanimously.

On motion of Mr Vance the President appointed Messrs Vance, Bunner & Yantis a committee on Rules and joint rules.

The Officers elect came forward and took the oath of office.

On motion of Mr Dudley the Secretary was instructed to inform the House of Representatives of the permanent organization of the council.

Mr Allen offered the following resolution, which was adopted.

Resolved:

That the Sergeant at Arms be and is hereby authorized to procure all Stationery necessary for the use of the Council. Also four dollars in postage stamps for each member.

There being no further business the Council then adjourned until 11 o'clock A. M. to-morrow.

J S Taylor
President Council

Geo Ainslie
Secretary

Third Day.

Council Chamber
Boise City, December 9th 1868.

Council met pursuant to adjournment. The President in the chair.

Roll called.

Present Mess. Allen, Anderson, Bonner, Howard, Paul, Vance, Yantis and Mr. President. Absent Mess. Dudley and Ensign.

Messages from the House.

House of Representatives
Boise City, I. T.
Dec 9th 1868

Mr President.

I am instructed to inform your Honorable Body that the House of Representatives has permanently organized by the election of:

Hon E. T. Beatty	Speaker
H. F. Sayres	Chief Clerk
Ed. Raymer	Asst. "
Geo. Ish	Enrg. "
J. H. Slater	Enr'g "
Jno. Donovan	Sgt at Arms
John W. [illegible]	Doorkeeper
D. W. Butterfield	Page
Chas. [illegible]port	Porter.

Henry F. Sayres
Chief Clerk
House of Representatives

House of Representatives
Boise City Dec 9th 1868

Mr. President.

I am instructed to inform your Honorable Body that the House has passed the following resolutions:

Resolved:

That a committee of two be appointed by the Speaker to act with a like committee from the council to wait upon the Governor and inform his Excellency that the Legislature is now organized and ready to receive any communications he may have to offer.

Also that Mess. Shumaker and McGrew were appointed such committee on the part of the House

Henri F. Sayres
Chief Clerk
House of Representatives

House of Representatives
Boise City Dec 7th 1868:

Mr. President:

I am instructed to inform your honorable body that the House has passed the following resolution:

Resolved: That the House invite the Council to meet them in joint ~~convention~~ session to-morrow at 11 o'clock A. M for the purpose of receiving the Governors Message.

Henri F. Sayres
Chief Clerk
House of Representatives

The journal of yesterday read and approved.

The committee on Rules and Joint rules made the following report:

Mr. President:

Your committee on Rules and Joint rules for the permanent government of the Council beg leave to report that we recommend the adoption of the standing rules of the Council of the last session and ask further time on joint rules.

All of which is respectfully submitted.

W. M. Vance
Chairman.

On motion of Mr Anderson the report was adopted.

On motion of Mr. Anderson a committee of two consisting of Mess. Anderson and Brunner was appointed to act with a like committee from the House to wait upon the Governor and inform his Excellency that the Legislature is now organized and ready to receive any communication he may have to offer.

The council took a recess of thirty minutes subject to the call of the President.

At the expiration of thirty minutes the Council again convened.

The committee appointed to wait upon the Governor reported that they had discharged their duty and that his Excellency would be pleased to meet both houses in joint convention to-morrow at 11 o'clock A. M.

On motion the report of the committee was adopted and the committee discharged,

Mr. Howard offered the following resolution which was adopted:

Resolved:

That the Secretary of the Territory be requested to furnish each member of the Council with printed copies of the Laws of the First, Second, Third and Fourth Sessions of the Legislative Assembly of this Territory.

Mr. Brunner gave notice that at an early day he would introduce a bill fixing the time and place of holding the Supreme Court:

Mr. Paul offered the following resolution which was adopted:

Resolved:

That the Sergeant at Arms be directed to furnish each member of this body with the number of Daily and weekly newspapers granted by law. ...

On motion of Mr Anderson the Council accepted the invitation of the House to meet in joint convention at 11 o'clock A. M. to-morrow.

On motion of Mr. Allen the Sergeant at Arms was instructed to furnish each member of the council with a copy of the Boise Democrat, Idaho World and Owyhee Avalanche.

Mr. Pence offered the following amendment which was accepted.

That the members designate what ~~the~~ Newspapers they prefer and notify the Sergeant at Arms, who is instructed to request Mr. Howlett, the Secretary of the Territory to provide such papers — Motion carried as amended.

Mr. Vance gave notice that at an early day he would introduce a memorial praying Congress to grant an extension of time of the term of the Territorial Legislature.

Council adjourned until 10½ o'clock A. M. to-morrow —

J S Taylor
President Council

Geo. [illegible]
Secretary

Fourth Day —

Council Chamber
Boise City, I. T. Dec 10th 1868.

Council met pursuant to adjournment. The President in the Chair — Roll called All present.

Journal of yesterday read and approved —

Mr. Allen introduced C. C. R. No 1 Requiring the Territorial Controller to draw warrants weekly on the Territorial Treasurer for the payment of the members and attachees of the 5th Session of the Territorial Legislature.

On motion of Mr. Vance the resolution was adopted.

Mr. Dudley introduced C. C. R. No 2 as follows:

Resolved

By the

Council the House of Representatives concurring: That the Secretary of the Council and the Chief Clerk of the House be and they are each hereby authorized to appoint a Journal Clerk for their respective houses who shall be paid the sum of six dollars per day and that the Territorial Controller be authorized and directed to draw his warrant on the Territorial Treasurer weekly at the end of each week for the amount certified by the President and Secretary of the Council and the Speaker and Chief Clerk of the House of Representatives for the amount found due such Journal Clerks; and that the same shall be paid out of any moneys in the Treasury not otherwise appropriated.

On motion of Mr. Ensign the resolution was adopted.

On motion of Mr. Bunner the Council proceeded to the Hall of the House of Representatives for the purpose of meeting in joint convention with the House of Representatives to receive the message of his Excellency the Governor.

In Joint Convention.

Hall of the House of Representatives,
Thursday Dec 10th 1868.
11 o'clock A.M.

In pursuance of a resolution passed in the House of Representatives inviting the Council to assemble in their Hall in joint convention for the purpose of receiving the message of his Excellency, Governor D. W. Ballard the two houses assembled — Hon. John S. Gray President of the Council in the Chair — Roll Call on the part of the Council — All the members being present.

On motion of Mr. Dudley a committee of four, two from each House was appointed by the chair consisting of Messrs Dudley and Ensign on the part of the Council and Messrs Gowder and Hunt on the part of the House, to wait upon the Governor and inform his Excellency that the two Houses were assembled in joint convention and ready to receive any communication he might see proper to make.

The committee retired and in a short time returned and announced the presence of Capt. J. W. Porter, private secretary to the Governor and introduced him to the chair.

Capt. Porter reported that he was the bearer of the Governors message and thereupon delivered the same together with the report of the Territorial Comptroller to the President of the Convention, who ~~[illegible]~~ ~~[illegible]~~ delivered the same to the Secretary of the Council and ~~read~~ by him was read to the Convention as follows:

Gentlemen of the Council and House of Representatives.

It is not only my duty but is my pleasure to meet you at this time for the purpose of suggesting such matters as pertain to the interests of our Territory and are proper subjects of legislation. From the date of our organization we have [illegible] blessings of innumerable favors from a bountiful Providence, enjoying, in a remarkable degree, the blessings of health and political prosperity for which we should here make known our gratitude to the Great Lawgiver of the Universe and ask his guidance in the work before us.

We are but servants of the people and their interests are now confided to our keeping. It therefore becomes us to so discharge our duties as shall result in the greatest good to all.

Necessary laws are [illegible] to [illegible] society and [illegible] never [illegible] [illegible] the [illegible] are it is difficult to enact laws that will prove [illegible] or fully meet the requirements of a people.

By [illegible] freedom in [illegible] and divesting ourselves of all prejudices and desires to serve individual friends and [illegible] special interests, and [illegible] caution in all our deliberations, much of this difficulty may be overcome.

In all the sections of this Territory [illegible] [illegible] our People have [illegible] with a [illegible] hand and [illegible] [illegible] for their toil. The productions of the mines are continually increasing adding to the wealth of the nation and yielding [illegible] profits to the fortunate owners.

The fabulous yield of the Owyhee quartz mines continues equal to our most sanguine expectations being probably the richest on the Continent.

In Alturas County, the difficulties in the way of capital, which have heretofore retarded the reduction of ores have, to some extent, been overcome, and capital now invested there is remunerative, with a prospect of developing mines more extensive than any yet discovered.

In Boise county the quartz mines are bearing a better and more certain reputation than heretofore.

The Mills are yielding good profits; and the prospects warrant the investment of more capital and labor in that direction.

The mines in the northern part of the Territory are attracting attention; the Mills erected at Warren's and at Florence are already making satisfactory returns, and the wealth of that section is being developed with unusual energy.

The Placer mines of Boise, Owyhee and Alturas counties, and of Warren's, Oro Fino and Elk City continue to yield a fair share of the precious metals.

In Leesburg, Lemhi, Dead Wood, Moose Creek, and on the bars and tributaries of Salmon river, new and extensive mines have been discovered, and prospected sufficiently to attract a large immigration the coming season, with a promise of results equal to those realized in the older camps of the territory.

We therefore need fear no abatement for many years in the yield of precious metals from the placer mines of Idaho.

Difficulties will continue to arise and embarrass the development of our great mineral resources.

We cannot expect that every year, for a great length of time, will add new fields or give increased profits to the miner, but the same industry and indomitable energy which have crowned with success the efforts of the pioneers, when applied to mining in a systematic way, aided by Machinery and science, and keeping pace with the spirit and progress of the age, will prove the mineral wealth of Idaho inexhaustible.

Mining Laws

It is not only important, but an imperative necessity that we have laws to protect foster and build up every interest connected with the development of our mines.

By an Act of Congress the occupation of mineral lands has been realized by offering a title to those who desire it at a nominal cost; giving to others all vested rights secured under the rules and regulations of the miners themselves. This law is not intended to conflict with the rights of miners or of Legislatures to make rules and regulations or pass laws in reference to the locating of claims and the working thereof as they have heretofore done.

– Agriculture –

It is generally supposed that our agricultural lands are limited in extent and confined to the vallies. This is a mistake. Over half the whole area of the Territory is well adapted to the agricultural pursuits. I am fully convinced of this fact from personal observation having recently visited the northern portion of the Territory and travelled over a large portion of the Country. From the hills of Salmon river on the western border to Lake Pen d'Oreille on the north a distance of one hundred and fifty miles embracing the Coeur d' alene and Blackfoot Country on the northern line and the Kamas prairie east of the Nez Perces reservation is a scope of Country peculiarly inviting to immigration and permanent settlement. All this district is free from sage brush, has a deep alluvial soil well watered and timbered. Covered with a heavy growth of nutritious grasses and in instances where cultivated, has produced an average of sixty bushels of grain to ~~the~~ acre. Although stretching well to the north the climate in this section is mild, experiments already made prove that fruits of all kinds will flourish there. Apples, pears peaches plums &c have been tried with success equal to any of the northern or middle states.

The valleys of the Payette, the Weiser, the Boise the Malad, are already extensively populated and our markets are teeming with their products; a very considerable portion of the uplands in other sections of the Territory are susceptible of cultivation, and our mining & mountain regions are dotted with lovely little vallies, inviting the hand of the husbandman to make them blossom as the rose.

We want to foster and encourage immigration. We want more people.

Our agricultural and mineral resources are sufficient to support a population equal to that of many of the older settled states. Our farm products find a home market remunerative prices. and no part of the United States affers a more healthy and salubrious climate or presents greater inducements for permanent settlers, than the fertile valleys, rich plains and abundant pasture lands of Idaho

- Public Surveys.

The U. S. Surveys in this surveying District have been pushed forward to the full extent of the appropriations placed at the disposal of the Surveyor General and notwithstanding all the standard lines were to be run and paid for out of the very small amount appropriated by Congress, and leaving only a small amount to make subdivision surveys the amount of sales as per notices to actual settlers exceed the amount paid for surveys. some thirty thousand dollars. not including the last appropriation of fifteen thousand dollars of which the office work has not been completed and no returns have been made to the General Land Office on this account.

This fact alone demonstrates that we have large agricultural interests and that it is mistaken economy on the part of Congress to make so small appropriations for the surveys of the lands in a District so lately established and in so large an area of good public lands

I would respectfully suggest that you memorialize Congress to make more liberal appropriations for this purpose

- Mails -

Congress has at different times established mail routes in the Territory and sought to give proper mail facilities to all the settlements, but the provisions made therefor have not been adequate to our wants. This I think has arisen from the fact that Correct information has not been accessible as to the geographical position of the points to be served. In some instances routes have been established that are impracticable and have never been carried into operation probably never will be, in others double routes have been established and double service performed at an unnecessary expense and in some cases routes have been established that are practicable and necessary where no service has been performed.

The northern portion of the Territory has suffered materially in this respect.

Warren's Diggings was settled before the Territory was organized and is a flourishing Camp today. The population is about one thousand with two quartz mills in operation, their products the past season aggregating nearly a quarter of a million dollars yet they have never had a mail, when by continuing the route from Florence to Warren's a distance of about forty five miles that camp would be provided for.

Kamas prairie the most flourishing agricultural section of Northern Idaho is without mail facilities whereas they could be accommodated by extending the present route from Cottonwood a distance of about twenty miles.

Beyond Kamas prairie are Silverwood, Newsome Creek, Clearwater station and Elk City, embracing in all only a distance of sixty five miles and containing a population estimated at one thousand inhabitants, old mining camps producing millions of dollars and not a single post office at any of them.

The route to Pierce City ought to be extended to Moose Creek a new mining camp sixty five miles beyond.

Lewiston the County seat of Nez Perces County containing a population of about eight hundred souls, with from two to three thousand comers and goers annually steamboat communication with the Pacific Ocean at least six months in the year, the recipient of ten thousand tons of goods annually has only a weekly mail.

The triweekly mail from Helena in Montana Territory via Spokane bridge to Walla Walla W. T. could make the point of Lewiston each way and add but twenty miles to the route over a most excellent road, whereas the same mail under the present arrangements must be carried back about ninety miles and then once a week.

By adding Lewiston as one of the points on this route the weekly mail from Walla Walla may be dispensed with greatly to the accommodation of the people of Lewiston and in my opinion a saving to the government.

Leesburg, Salmon City, and Lemhi are without mail facilities they are permanent mining camps with agricultural and pasture lands about them. The Yuba and Deadwood districts are in like condition and perhaps other localities that have escaped my notice. In view of the importance of this subject I would recommend the appointment of a Committee "on mails and mail facilities" with such instructions as shall elicit all the information which your honorable body may need in memorializing Congress upon this important subject.

Coming as you all do from the body of the people and from every section of the Country it is within the scope of your power and your knowledge to so represent the wants of the Territory that your delegate in Congress may be greatly assisted in his efforts to relieve them.

Acts of Congress.

By Act of Congress passed March 2. 1867 you are prohibited from granting private Charters or Special privileges but may by general incorporation acts permit persons to associate themselves together as bodies Corporate for mining Manufacturing and other industrial pursuits.

By another act of the same date it is Provided "The Judges of the Supreme Court of said Territory or a majority of them shall when assembled at the seat of government of said Territory define the Judicial Districts of said Territory and assign the Judges who may be appointed for said Territory to the several districts, and shall also fix and appoint the times and places for holding Courts in the several Counties or subdivisions in each of said Judicial Districts and alter the times and places of holding Courts, as to them shall seem proper and convenient."

The second section of the same Act provides that the next session of Legislative Assembly of the Territory of Idaho shall be held commencing on the first Monday of December 1868, and thereafter the Legislative Assembly of said Territory shall be held biennially.

These Acts have relieved you of duties requiring much time and labor and the General Government and this Territory of large expense

Courts.

Our Courts are being held with regularity in every organized County in the Territory and the ready acquiescence of the people in the administration of justice has had a salutary effect upon public morals and in promoting good order in society.

Under the present law of Congress it is generally conceded that the Legislature should fix the time for holding the Supreme Court. As the law now stands this court is to be held in August. It is impossible for the Judge of the first District to hold his regular terms in the mountain towns and meet with the Supreme Court at the Capital. Therefore no term of the Supreme Court was held last August.

I invite your action in the premises and advise the changing and fixing of the time for the meeting of the Court at as early a day as practicable.

Revision of The Laws.

The laws of the last session were printed in plain type, bound in a substantial manner in pamphlet form and distributed within forty days after the adjournment of the Legislature. The laws of the second and third sessions are still in the hands of the publishers in San Francisco. I am more than ever convinced that the laws of the Territory ought to be revised and published in one volume, I cannot better explain my views than to repeat what I said in my message to the last Legislature. "The first Legislature which assembled at Lewiston in 1863 enacted a Code, but as the duration of their session was limited it was necessarily passed in much haste, and with much less consideration than its importance demanded.

The Code then enacted was not printed until after the sitting of the next Legislature and many of the amendments have never been published in any form whatever and indeed each succeeding Legislature has labored under the misfortune of endeavoring to amend the legislation of its predecessor with no authentic knowledge on the subject matter. The result is that our laws are inharmonious and abound in perplexing discrepancies. It is believed that the best method of securing a perfect code of laws and remedying the existing evils is by the appointment of a Commission to Codify and revise the whole body of our statutes. The present uncertainty can thus be remedied by a system which [illegible] may take some time and incur some expense will when completed supercede for years a large amount of addition legislation".

The Jury Laws.

It is has been suggested to me that our present jury law is imperfect in its operation as well as cumbersome and expensive. I would therefore recommend your careful consideration of said law to the end that such changes may be made as to you may seem best calculated to make the same more efficient and leſs burdensome

Indian Matters

By the following extracts from letters on file in my office you will see that our Indian wars are over.

Brevet Major General Geo Crook U.S.A Commanding the District of the Lakes wrote under date of July 21st 1868

"I made a treaty yesterday with the concentrated rascality of all the Piute tribe. I have no doubt the desire for peace on their part is sincere, from the fact that about half their number have been killed and those left, know not what day their time may come. The only fear I now have is that white men will commit outrages on the Indians. If this can be controlled I feel satisfied the bloody scenes of the last four years are ended and permanent peace secured."

Brevet Col Elmer Otis U.S.A. commanding the District of Owyhee wrote under date of August 31. 1868.

"On the 20th June 1868 I assumed command of this District relieving Brevet Major General W. L. Elliot U.S.A. My personal knowledge of military operations here, date back only to that time, but the official records of my office indicate a systematic plan of scouting and a thorough execution thereof. All parts of the District being guarded with such vigilance as to leave no spot affording a safe retreat for hostile predatory bands. Hostilities have ceased and the war is virtually at an end"

In making this communication to you, gentlemen, I desire to express my high appreciation of the character and services of the military in this and ~~the~~ District of the Lakes.

No better soldiery exists any where than the officers and men of the First and Eighth U.S. Cavalry and the Twenty Third Infantry who have participated in the Indian Wars of Idaho. By their vigorous execution of judicious plans our Country is quiet our property secure our lives safe.

Although this cessation of hostilities terminates scenes of blood and slaughter, it does not relieve our government of a vast charge on account of these aborigines. Within the lines of our Territory are from five to eight thousand savages claiming original ownership of the lands now rapidly being overspread by civilization. The spirit of fair dealing and a just sense of the rights of all demands that provision be made for their establishment in permanent homes, and their advancement in the arts of civilization, thereby ensuring a perpetuity of the peace we now enjoy. To this end I invite you to call the attention of Congress to the necessity of making generous provision for their collection and establishment upon reservations.

Territorial Prison.

The expenses of our Territorial Prison are certainly beyond the bounds of reason and no reduction has been had, or any advantages derived from the labor of the Convicts, in fact no labor worth mentioning has ever been performed. Thirty per cent of the whole Revenue of the Territory is set apart for Territorial Prison expenses. Notwithstanding this large appropriation our Territorial Prison has entailed a debt upon the Territory of over $22.000 within the last two years. Considering the limited number of prisoners the expense is truly enormous. Expenses for guarding feeding and clothing the prisoners are fixed upon a basis of prices prevailing in the early organization of the Territory. These expenses have gradually lessened from year to year, and will continue to decrease. We cannot afford to burden the people with heavy taxes for extravagance in one direction any more than in another. Labor is indispensable to the health of the prisoners and ought to contribute a large share of the expenses. Nearly every branch of mechanical labor is in demand at high prices, and I see no reason why Convict labor cannot as well contributed to the expense of the Convict, in this Country as in any other. By making suitable provision of this character with a fair reduction of expenses the present fund is amply sufficient to balance future expenditures of our Territorial Prison. By Act of Congress of January 25th 1867 the net proceeds of the internal revenue of our Territory for the fiscal year ending June 30th 1866 and the two succeeding years not exceeding $40.000 has been set apart for the erection, under the direction of the Secretary of the Interior, of Penitentiary buildings at such place as may be designated by the Legislature of the Territory, and approved by the Secretary of the Interior. I am informed that the revenue collected and applicable to this purpose will amount to the full sum of $40.000. My attention has been invited to this Act of Congress by the Secretary of the Interior, and I am directed to invite your attention to the subject with the request that you designate the place for such Penitentiary by Act of the Legislature

Lemhi County.

By some mistake the Act organizing Lemhi County passed at the last session of the Legislature was not presented to me for approval and therefore did not become a law. The people of that section were much disappointed and have been subjected to many inconveniences for want of a county organization. I hope the matter will receive your early attention and favorable consideration

Common Schools.

The interest manifested on the part of our citizens in common schools is far less than might be desired. Education is an indispensable blessing to society and free schools ought to be established in every well organized community. You will confer the greatest benefits upon the Territory by making liberal provision for education

Militia

We need a militia organization even more now than heretofore. With the cessation of Indian hostilities military camps are likely to be abandoned and U.S. soldiers removed to other fields. With our quota of arms from the United States, and a proper organization of the militia we can be prepared for emergencies that may arise. I deem this subject of sufficient importance to demand early attention

Finance.

The reports of the Controller and Treasurer of the Territory herewith submitted will exhibit the financial condition of the Territory. The revenue has been sufficient to pay the interest on the public debt, and (except the prison fund) meet other necessary expenses of the government. It is true the rates of taxation are high, and while this seems at present unavoidable it is your duty to see that this burthen falls equally upon the capital of the Country

Railroads.

No State or Territory can prosper for any length of time without railroad communications. The settlement of the northern portion of this Territory is awaiting the construction of the Northern Pacific Railroad. The Union and Central Pacific Roads are about to join hands and its advantages to this coast and the union of the States can not be over estimated. Already we begin to realize that Nevada and California are our neighbors and the Atlantic States within a limited distance. We can not afford to sit idly by and look upon the progress of our neighbors without making an effort to secure railroads for our Territory, connecting us with the great thoroughfares of the nation at the most practicable points. It is safe to estimate that $100.000[illegible]00 in gold and silver is now added to the wealth of the nation from the mines of the Pacific Coast and $14.000.000 of this amount must be credited to Idaho. This hidden treasure is inexhaustible and the prosperity of the people and the Government depend upon its development. Gold and silver have decreased fifty per cent in value in the last twenty years or rather articles of trade and commerce have increased one hundred per cent so that the wealth of the country dependent upon the production of gold and silver is two to one. No one can doubt but this result is brought about by the discovery and production of the precious metals. If this ratio is continued for the next twenty years the increased wealth of our Country will exceed the national indebtedness. Just in proportion as we offer railroad facilities for commercial relations and the settlements of the Pacific Coast will we increase or diminish our wealth. These questions may be favorably presented to Congress by suitable memorials. The Government and the people are equally interested in this great work. Every dollar that we expend comes back two fold. While the Government can afford to be liberal in subsidies and lands we should work effeciently and with all the means in our power to secure these praiseworthy objects.

Conclusion

And now gentlemen in conclusion let me say - although our appreciation of the national issues of the day is none the less on account of our Territorial condition, yet having no voice in the electoral college, and no vote in the national Councils, it is unbecoming in us to stimulate party strife and political asperities which may jeopardize the material interests of the Territory therefore let us devote our time and ability to the real and not imaginary wants of Idaho, bearing in mind that the voice of the nation has been heard and settled the question of national politics for the next four years, that voice said, "Let us have peace"

D. W. Ballard

Mr Dudley moved that the Convention be now dissolved the motion was carried and the Council retired to their Chamber.

In Council 12½ o'clock P. M.

Roll called members all present.

Mr Paine on leave introduced C. C. Res. No 3 as follows

Resolved, By the Legislative Council, the House of Representatives concurring, that the following number of copies be ordered printed for the use of the Council and House of Representatives

One thousand copies of the Governor's message

Eight Hundred copies of the annual reports of the Territorial Controller, Treasurer and Superintendent of Public Instruction, and Prison Commissioners.

Also two hundred copies of the list of standing

Committees of each House, also One Hundred Copies of the Rules of each House, and One Hundred Copies of Joint Rules.

On motion of Mr Brunner the Resolution was adopted

On motion of Mr Anderson the Council proceeded to elect a Porter for this Body

Mr Ensign nominated Mr J. S. Moore

On Roll call Mr Moore received ten votes being all the votes cast and was declared elected Porter for the Council

Mr Brunner introduced C. B. No 1 "An Act defining the time and place for holding the Supreme Court"

Bill read 1st & 2nd time

On motion of Mr Dudley the Rules were suspended Bill considered engrossed and read a third time The question being "Shall the Bill pass"? The Roll was called with the following result

Ayes - Allen, Anderson, Brunner, Dudley, Ensign, Howard, Paul, Vance, Yantis, and Mr President 10.

Nays - None.

So the Bill passed

Council adjourned until 11 O'clock a. m. tomorrow-

Geo Ainslie
Secretary

J S Taylor
President Council

Fifth Day

Council Chamber Boise City I. T.
December 11th 1868

Council met pursuant to adjournment,
President in the chair-

Roll called all present- The journal of yesterday was read and approved

A Communication consisting of Senate Joint Resolution No 11, of the Legislative Assembly of the State of Oregon, duly certified to, under seal by the Secretary of State was presented and read as follows

State of Oregon
Department of State

To all to whom these presents shall come- Greeting

I hereby certify that annexed is a true copy of Senate Joint Resolution No 11 relating to the repeal of certain laws of taxation in the Territories of Idaho and Montana, as taken from the original Rolls on file in this office

In Testimony whereof I, Saml E. May Secretary of State of the State of Oregon have hereto subscribed my name and affixed the seal of the State. Done at Salem this 20th day of November A.D. 1868

Seal

Saml E. May
Secretary of State.

Senate Joint Resolution No 11. Requesting the repeal of certain laws of taxation in Idaho and Montana Territories-

Whereas the laws of Idaho and Montana Territories subject all property of other States in transit through said Territories to a heavy taxation Contrary to the Constitution of the United States and the laws of Congress relating to the rights of Citizens of the several States, and whereas a great number of the Citizens of Eastern Oregon are engaged in freighting from the Columbia River to different points in said Territories, who having paid their taxes in Oregon are Compelled to pay a heavy tax on the same to Idaho and Montana Territories- therefore

Be it Resolved by the Legislative Assembly of the State of Oregon-

That their Excellencies the Governors of said Territories be requested to present this subject to the Consideration of the Legislative Assemblies of said Territories and that said Legislatures be respectfully solicited to repeal all of such laws. and that the Governor of Oregon is hereby requested to forward Copies of this Resolution to the Governors and General Assemblies of said Territories

Adopted by the House October 5th 1868
John Whiteaker, Speaker
Adopted by the Senate September 25th 1868
B. F. Burch President"

On motion of Mr Yantis the Communication from the Legislative Assembly of Oregon was referred to the Committee on Territorial Affairs

A Communication from Ada Lodge No 3 I.O.O.F. relating to the occupancy of the Council Chamber every Friday Evening received and on motion of Mr Ensign the request of Ada Lodge was granted

Mr Anderson gave notice that on tomorrow he would introduce a Bill to amend an Act entitled An Act to provide for the appointment of Notaries Public

The President announced the standing committees as follows

Judiciary - Ensign, Dudley and Anderson
Finance - Anderson, Paul, and Yantis
Federal Relations - Dudley, Ensign, Howard
Territorial Affairs - Allen, Paul, Ensign
Mines & Mining - Howard, Vance Bunner
Incorporations - Allen, Ensign Vance
Elections - Vance, Yantis Anderson
County and County Boundaries } Anderson, Dudley, Paul
Military Affairs - Bunner Allen, Howard
Education - Dudley Bunner, Yantis
Roads & Highways - Vance, Howard, Anderson
Printing - Paul, Yantis, Allen
Mileage - Howard, Bunner, Vance
Engrossed Bills - Paul, Allen, Ensign.
Enrolled Bills - Yantis, Bunner, Dudley

Mr Vance from committee on Joint Rules asked for further time, which was granted

Message from the Secretary of the Territory as follows

Secretary's Office I.T.
Boise City Dec 10th 1868

Sir - In response to Council Resolution of yesterday relative to furnishing Copies of the Laws of the Territory, I have the honor to transmit herewith five copies each First and Fourth Sessions, not having been able to procure those of the Second and Third Sessions I am therefore unable to furnish them.

I will refer you to An Act passed by the Legislative Assembly at its Third Session relative to Public Printing which provides that ten copies of the laws shall be kept in the Territorial Library for the use of the Legislative Assembly

I have the honor to be
Very Respectfully
Your Obt Servt
S. R. Howlett
Secretary Idaho

Hon J. S. Taylor
President Council
Idaho Legislature

Mr Ensign gave notice that on tomorrow he would introduce a Bill relative to Roads and Highways, also a Bill amendatory to an Act relative to the incorporation of Grand and Subordinate Lodges of Free and Accepted Masons and of the Grand and Subordinate Lodges of the Independent Order of Odd Fellows.

Mr Dudley gave notice that at an early day he would introduce a Bill relating to Hurdy Gurdy Dance Houses, Also a Bill to amend An Act concerning Chattel Mortgages.

On Motion of Mr Vance the Council proceeded to the election of Chaplain.

Mr Bunner nominated Rev Mr Roberts
" Vance " " G. D. B. Miller

On roll call Mr Miller receiving a majority of all the votes cast was declared elected Chaplain of the Council

On motion of Mr Vance the Chair appointed a committee of two consisting of Messrs Vance and Yantes to wait upon Rev G. D. B. Miller and inform him of his election as Chaplain of the Council, and request his attendance on tomorrow.

Mr Paul offered C. C. R. No 4 as follows

Resolved— By the Council, the House of Representatives concurring, that the Sergeant at Arms of each House, be instructed to subscribe for the Idaho World, Owyhee Avalanche and Tidal Wave Newspapers, for the members of each House, and the Territorial Controller is hereby directed to draw a warrant on the Territorial Treasurer at the close of this Session to pay for said subscriptions.

On motion of Mr Ensign the resolution was laid upon the table

Mr Vance pursuant to notice introduced C. M. No 1. praying Congress to extend the session of the Legislature from forty to sixty days - Read 1st and 2nd times and motion of Mr Dudley was referred to Judiciary Committee

On Motion of Mr Vance Council adjourned until 3 O'Clock P. M.

Afternoon Session 3 O'Clock P. M.

Council reassembled - President in the chair Roll called, present Messrs Allen, Anderson, Bunner, Dudley, Ensign, Howard, Paul, Vance, Yantis and Mr President -

Message from the House

House of Representatives
Boise City Dec 11th 1868

Mr President

I am instructed to inform your Honorable Body, that the House has appointed a Committee of three consisting of Messrs. Kelly and McGraw and Hart to act with similar Committee from the Council on Joint Rules

On motion of Mr Yantis Council adjourned

J. L. Taylor
President Council

[illegible]
Secretary

Sixth Day

Council Chamber
Boise City I. T.
Dec. 12th 1868

Council met pursuant to adjournment - President in the Chair - Roll called - Present - Messrs Allen Anderson Brunner Dudley Ensign Howard Paul Vance Yantis and Mr President - Prayer by the Chaplain -

On motion of Mr Vance Council took a recess of ten minutes - At the expiration of ten minutes Council reassembled - Journal of yesterday read and approved

Mr Ensign gave notice that on Monday he would introduce C. M. No 2. relative to an appropriation to carry out a treaty with the Indians in and about Fort Hall - Also C M. No 3. relative to the passage of the Bill entitled " The Idaho Montana and Columbia River and Puget Sound Rail Road

Mr Anderson gave notice that at an early day he would introduce a memorial praying Congress for an appropriation to survey the boundary between this Territory and the Territory of Utah. Also -

A memorial to Congress asking the passage of the Bill for appropriation for an Assay Office - Also

A Memorial praying Congress to make an additional appropriation to continue the public surveys in this Territory

Mr Howard gave notice that at an early day he would introduce a Bill for the removal of the County Seat of Idaho County - Also

That on Monday next he would introduce a Bill to change the name of Thomas Rogers to Edward Brooks.

Mr Ensign gave notice that he would at an early day introduce a Bill to change the name of William Walker Stackpole to William Walker.

Mr Yantis gave notice that he would at an early day introduce a Bill relative to the taxing of Foreign Miners

Mr Vance gave notice that he would at an early day introduce a Bill creating a Committee to Codify the Laws of this Territory

Mr Ensign from Judiciary Committee reported back C. M. No. 1 and recommended its passage

Mr Vance from Committee on Joint Rules reported as follows

Mr President

Your Special Committee appointed to confer with a like committee on the part of the House in relation to Joint Rules, have performed the duties assigned to them and respectfully recommend the adoption of the Joint Rules of the last Session with the exception of Rule 16. which we would recommend be stricken out, and Rule 19. after the word "Government" insert the words "and such as have the force and effect of law" which would read " All Concurrent or Joint Resolutions which relate to or contain Communications to the Federal Government and such as have the force and effect of law shall be treated in all respects as Bills"

All of which is respectfully submitted

Mr Dudley offered the following resolution -

Resolved -

That in view of the recommendation of Governor Ballard, and recognizing the importance of the subject matter - Committee No 17. be added to the Standing Committees of the Council to be designated the Committee on "Mails and Mail Facilities" and that the same be composed of three members - On motion of Mr Anderson the resolution was adopted

On motion of Mr Dudley the Rules were suspended and C. M. No 1. ordered engrossed and passed to third reading

Mr Allen called for the reading of the memorial which was thereupon read by the Secretary

Mr Ensign pursuant to notice introduced C. B. No 2 relative to the incorporation of Grand and Subordinate Lodges of Free and Accepted Masons, Grand and Subordinate Lodges of the Independent Order of Odd Fellows and Grand and Subordinate Lodges of the Independent Order of Good Templars - Read 1st & 2nd times and on motion of Mr Dudley was referred to the Committee on Incorporations.

Judge Milton Kelly tendered to the Council for the use of the members the Laws of the Second and Third Sessions Idaho Legislature

On motion of Mr Ensign the thanks of the Council were tendered to Judge Kelly for the use of the Laws

Message from the House

House of Representatives
Boise City I. T.
Dec 12th 1868

Mr President

I am instructed to inform your Honorable Body, that the House have had under Consideration C. B. No 1. To fix the time of the Supreme Court. H B. No 1. An Act creating and organizing the County of Lemhi, which have this day passed. Also C. C. R. No ~~24~~ 23 in regard to pay of members & attaches in regard ~~to~~ the appointment of journal Clerk, which they have passed as amended by rider in which amendment the Concurrence of Your Honorable Body is respectfully Solicited. All of which is herewith transmitted

H. J. Sayrs
Chief Clerk
House of Representatives

On motion of Mr Allen the report of the Committee on Joint Rules was taken up.

On Motion of Mr Paul the subject matter of the report was recommitted to the Committee on Joint Rules of both Houses

On motion of Mr Paul the Council took a recess until 2 O'clock P. M.

Afternoon Session

2 O'clock P. M.

President in the Chair. Roll called. Present Messrs Allen, Anderson, Bunner, Dudley, Ensign Howard, Paul Vance Yantis and Mr President

Mr Paul from Engrossing Committee reported follows: Mr President Your Committee on Engrossed Bills would respectfully report that they have examined C M No 1 and find it as Correctly engrossed ~~Council Memorial No 1~~.

The President announced the following additional Standing Committees

Agriculture - Messrs Paul Vance Howard

Mails and
Mail Facilities } Messrs Dudley, Yantis, Anderson

Mr Yantis from Committee on Enrolled Bills reported follows: Mr President Your Committee on Enrolled Bills to whom was referred Council Bill No 1 An act ~~as Correctly enrolled Council Bill No 1~~ An Act defining the time and place for holding the Supreme

Court have examined and compared the same and find it correctly engrossed

On motion of Mr Dudley the Council took up C. M. No 1.

C M No 1. Read a 3rd time, and the question being shall the memorial be adopted the yeas and Nays were called.

Ayes Allen Anderson Bunner Dudley Ensign Howard Paul Vance and Yantis and Mr President — 11

Nays — None

So the memorial was adopted

Mr Anderson pursuant to notice introduced C. B. No 3 " An act to amend an act to provide for the appointment of Notaries Public and defining their duties" Approved January 10th AD 1867

Read 1st and 2nd times

Mr Paul in the Chair

On motion of Mr Yantis C.B. No 3 was referred to Judiciary Committee

On motion of Mr Allen the message from the House was taken up

Mr Anderson moved that the Council concur in the House amendment to C. R. No 2. Roll called,

Ayes. Anderson Ensign Yantis Mr President — 4

Nays. Allen Bunner Dudley Howard Paul Vance — 6 — So the motion was lost

H. B. No 1. relating to an act Creating and organizing the County of Lemhi was taken up read 1st and 2nd times and referred to Committee on Counties and County Boundaries

Mr President in the Chair

On motion of Mr Paul the Council resolved itself into Committee of the whole for the purpose of taking into consideration the Governors message Mr Paul in the Chair

On motion of Mr Vance the reading of the Governors message was dispensed with, after considering the the message the Committee arose and the Council The President in the chair, the Chairman Mr Paul submitted the following report.

Mr President — Your Committee of the whole have had under consideration the Governor's message and recommend that that portion thereof relating to mines and mining be referred to the Committee on Mines and Mining

That portion relating to the courts revision of laws, and jury laws be refered to the judiciary Committee -

That portion relating to the Territorial Prison be refered to the Committee on Territorial Affairs

That portion relating to the Public Surveys be refered to the Committee on Federal Relations

That portion relating to mails be refered to the Committee on Mails and Mail Facilities

That portion relating to Indian Matters and the Militia be refered to the Committee on Military Affairs

That portion relating to Rail Roads be refered to a Special Committee consisting of Messrs Ensign Anderson and Allen with instructions to report by Memorial to Congress

That portion relating to Printing be referred to the Committee on Printing

That portion relating to Finance, with accompanying documents, be referred to the Committee on Finance

That portion relating to Common Schools be referred to the Committee on Education

All of which is respectfully submitted

On motion of Mr Ensign the report of the Committee of the Whole was adopted

On motion of Mr Dudley the Council adjourned until Monday Dec 14th 1868 at 11 O'clock A, M.

President Council

Geo. Ainslie
Secy

Eighth Day

Council Chamber
Boise City, I. T.
Dec 14th 1868

Council met pursuant to adjournment - President in the Chair -

Roll called - Present - Messrs Allen Anderson Bunner, Dudley, Ensign, Howard, Paul, Vance Yantis and Mr President

Prayer by the Chaplain

Journal of Saturday read and approved

Mr Ensign pursuant to notice introduced Council Memorial No 2 relating to a treaty with Indians in the neighborhood of Fort Hall - read 1st and 2nd times and refered to Committee on Federal Relations

Mr Anderson pursuant to notice introduced C. M. No 3 relative to the survey of the boundary line between Idaho and Utah Territories - read 1st and 2nd times and refered to Committee on Federal Relations

Mr Anderson pursuant to notice introduced C. M. No 4 relative to the additional appropriations for survey of Public Lands - read 1st and 2nd times and refered to Committee on Federal Relations

Mr Howard presented a petition from the citizens of the County of Idaho, relative to the removal of the County Seat of Idaho County

Mr Paul in the Chair

Mr Taylor on leave introduced C. C. R No 5 relative to granting leave of absence to John G Berry Sheriff of Nez Perces County, read 1st & 2nd times

Mr Taylor presented as accompanying said Resolution a petition of John G Berry and others asking for such leave of absence which was read and filed

The President in the Chair

Mr Ensign pursuant to notice introduced C B No 4, relative to the changing of the name of William Walker Stackpole to William Walker - read 1st and 2nd times and ordered engrossed

Mr Howard pursuant to notice introduced C. B. No 5 relative to the changing of the name of Thomas Rogers to Edward Brooks - read 1st & 2nd

#your Committee on Counties & County Boundaries to whom was referred

#would respectfully report that they have had the same under consideration

#all of which is respectfully submitted Committee

time and ordered engrossed

Mr Anderson gave notice that at an early day he would introduce a memorial to Congress asking for an appropriation for the erection of the necessary Public Buildings at the Capital of this Territory

Mr Anderson from the Committee on Counties and County Boundaries reported as follows: Mr President ~~back~~ # House Bill No 1. "An Act creating and organizing the County of Lemhi" # and recommended ~~its~~ the passage of the bill

Mr Yantis from the Committee on Enrolled ~~Bills reported~~ as follows, Mr President The Committee on Enrolled Bills would respectfully report that they have had under consideration C C R No 1 & 3 and find the same correctly enrolled ~~C. C. Resolutions Nos. 1 and 3~~

On motion of Mr Vance the Council took up H. B. No 1. Bill read 3rd time and on motion of Mr Howard the Bill was laid on the table

Council Bill No 3 was ordered engrossed

On motion of Mr Allen C. C. R No 4 was taken from the table and read 2nd time

On motion of Mr Vance the Rules were suspended C. C. R. No 4 Considered engrossed and passed to 3rd reading - read 3rd time - The question being shall the Resolution be adopted, ayes and nays were called

Ayes - Messrs Allen Anderson Bunner Ensign
Vance and Mr President 6
Nays - Messrs Howard and Paul - 2
Absent 2 Yantis and Dudley
So the Resolution was adopted.

Mr. Allen gave notice that on tomorrow he would move a reconsideration of the vote by which C. C. R. No. 4 was adopted—

On motion of Mr. Vance the Council took a recess until 2. o'clock P. M.—

Afternoon Session

2. o'clock P. M.—

President in the chair

Roll called — Present Messrs. Allen Anderson Ensign Howard Paul Vance Yantis and Mr. President—
Absent Messrs. Bunner and Dudley—

Mr. Vance from the Committee on Joint Rules reported as follows:

Mr. President

Your Committee on Rules and Joint Rules to whom was recommitted the subject matter of Joint Rules would respectfully report, that they would suggest in addition to their former report that rule 20 of the Joint Rules be stricken out and the Joint Rules amended in accordance with the report of this Committee be accepted as the Rules for the government of both Houses.

Dec. 14th 1868.

Wm. M. Vance
Chairman

On motion of Mr. Paul the report ~~Report~~ of the Committee was adopted and the Committee discharged.

Message from the House

House of Representatives
Boise City I. T.
Dec. 13th 1868.

Mr. President

I am instructed to inform your Honorable Body that the House has had under consideration C. B. Reapportioning the Legislature and ~~pass~~ passed the same.

Also that a Conference Committee consisting of Messrs. [illegible] and [illegible] have been appointed to consider House Amendment to C. B. No. 2 relating to Journal Clerk.

B. F. Lyon
Chief Clerk H. of Rep.

Mr. Paul from the Committee on Engrossed Bills reported as follows:

Mr. President

Your Committee on Engrossed Bills would respectfully report that they have examined C. B's Nos. 4 &

and find them correctly engrossed—

Mr. Allen from the Committee on Incorporations reported as follows:

Mr. President

The Committee on Incorporations after a careful consideration of C. B. No. 2. report the same back and recommend its passage—

On motion of Mr. Emigh C. B. No. 4. An Act to change the name of William Walker Stackpole to William Walker was taken up. Rules suspended read 3rd time and the question being "Shall the Bill pass"— The Roll was called—

Ayes—Messrs Allen, Anderson, Dudley, Emigh, Howard, Paul, Vance, Zantis, and Mr. President—9—

Nays none—

Absent Mr. Brunner

So the Bill passed—

On motion of Mr. Howard C. B. No. 5. "An Act to change the name of Thomas Rogers to Edward Brooks" was taken up— Rules suspended, read 3rd time and the question being "Shall the Bill pass" the Roll was called—

Ayes—Messrs. Allen, Anderson, Dudley, Emigh, Howard, Paul, Vance, Zantis and Mr. President—9

Nays none—

Absent Mr. Brunner

So the Bill passed—

On motion of Mr. Emigh C. B. No 2. was ordered engrossed—

Mr. Zantis from Committee on Enrolled Bills reported as follows:

Mr. President

The Committee on Enrolled Bills have the honor to report that they have presented to his Excellency Governor S. R.

Ballard for his approval, C.B. No. 1. Entitled "An Act defining the time and place for holding terms of the Supreme Court of the Territory of Idaho. at 12½ o'clock. P.M.—
Dec 4th 1868—

Mr. Vance on leave introduced C.C.R. No. 6— relative to the appointment of a select Committee of two from the Council and three from the House to examine and report upon the necessity and probable cost of compiling or Codifying the Laws of Idaho Territory read 1st time Mr. Paul objected to 2d reading. The question being "Shall the resolution be rejected"—

The Roll was called—

Ayes— Messrs. Anderson, Ensign, Paul and Mr. President 4
Nays— Messrs. Allen, Banner, Dudley, Howard, Vance, and Yantis —6—

So the motion to reject was lost—

On motion of Mr. Paul. Rules were suspended C.C.R. No. 6— was considered engrossed— read 3d time and the question being "Shall the Resolution be adopted" The Roll was called

Ayes Messrs. Allen, Banner, Dudley, Ensign, Howard, Vance, Yantis— 7—
Nays— Messrs— Anderson, Paul, and Mr. President 3—

So the Resolution was adopted

On Motion of Mr. Allen the Council adjourned—

R. F. Taylor
President Council

Geo Ainslie
Secy

Ninth Day

Council Chamber
Boise City, I. T.
Dec 15th 1868

Council met pursuant to adjournment —

President in the Chair —

Roll called — Present Messrs.
Allen, Anderson, Bunner,
Dudley, Howard, Paul,
Vanke, Yantis, and
Mr. President —
Absent Mr. Ensign —

Prayer by the Chaplain —

Journal of Yesterday read and approved —

Message from the Governor —

Executive Department —
Boise City, Idaho
December 14th 1868 —

Hon. S. R. Taylor.
President of the Council.
I have the honor to inform you that
I ~~herewith~~ Council bill C. B. No. 1. which
I have this day ap[illegible] —
D. W. Ballard.
Governor —

Mr. Anderson pursuant to notice introduced C. M. No. 5. relative to the passage of the Bill now pending in the United States Senate establishing an Assay Office at Boise City —
read 1st & 2d times and referred to Committee of the whole —

Mr. Yantis pursuant to notice a

Introduced C. B. No. 6 relative to the taxing of foreign miners — Read first and second times and referred to Committee of the Whole —

Mr. Paul on leave introduced C. B. No. 7 An Act for the relief of A. Haas, late Assessor of Ada County — Read 1st. & 2d times — Mr. Paul moved that the rules be suspended Bill ordered engrossed and passed to the third reading and made the Special Order of tomorrow at 2 O'clock P. M. — Motion lost —

Message from the House —

House of Representatives
Boise City.
Dec. 15th/1868 —

Mr. President —

I am instructed to inform your Honorable Body that the House has had under consideration and has adopted H. C. R. No. 2 Appointing Joint Committee to select site for Territorial Prison — House C. R. No. 3 Relative to printing Bills &c — and has passed H. B. No. 3. An Act to Amend an Act for the protection of Sheep Raisers &c against the ravages of dogs — Approved Jan. 11th A.D. 1866 — H. B. No. 4. An Act to repeal an Act for the protection of game in Ada County —

Each of which is herewith transmitted

Hans F. Lauer.
Chief Clerk
House of Representatives —

There being no quorum present the Council took a recess of ten minutes

Council Assembled.
Quorum present —

Mr. Paul from Committee on Engrossed Bills reported as follows:

Mr. President

Your Committee on Engrossed Bills would respectfully report that they have examined C. B. Nos. 2 & 3 and find them correctly Engrossed —

Mr. Yantis from the Committee on Enrolled Bills reported as follows

Mr. ~~President~~ Your Committee on Enrolled Bills would respectfully report that they have examined C. H. No. 1 and find the same correctly enrolled —

By unanimous consent Mr. Paul had leave to amend C. B. No. 2 relative to the Grand and Subordinate Lodges of Free and Accepted Masons, The Independent Order of Odd Fellows and the Independent Order of Good Templars by adding section 3 as follows:

This Act to be in force and take effect from and after its passage and approval by the Governor — Bill read 3rd time.

The question being "Shall the Bill pass"

Roll was called —

Ayes — Messrs. Allen,
Anderson, Dudley, Howard,
Paul, Pierce, Tinker and
Mr. President —

Noes — None —
Absent Messrs. Farmer and
Emerson — 2

So the Bill passed —

C. B. No. 3 — An Act to Amend an Act to provide for the appointment of Notaries Public and defining their duties. Approved January ... 1887 — read 3 times.

The question being "Shall the Bill pass"

Ayes. Messrs. Allen, Anderson,

Dudley, Howard, Paul,
Vance, Zeuler and Mr. President 8

Nays — None —
Absent — Messrs. Brunner &
Ensign — 2 —
So the Bill passed —

On motion of Mr. Anderson a Conference Committee of two, was appointed by the Chair in reference to Journal Clerk — Consisting of Messrs. Anderson & Paul —

On motion of Mr. Dudley Council took a recess until 2. o'clock P.M. —

Afternoon Session
2. o'clock. P.M. —

Roll — Called — Present —
Messrs. Allen, Dudley,
Howard, Paul, Vance,
Zeuler, and Mr. President — 7

Absent Messrs. Anderson,
Kanner, Ensign — 3 —

Mr. Paul in the Chair —

On Motion of Mr. Taylor Rules were suspended & C. J. R. No. 6. Granting Leave of Absence to John B. Kenny, Sheriff & Tax Receiver [illegible] Considera-tion engrossed and 3 Time —
The question being "Shall the Resolution be adopted" —
Yeas Messrs. Allen, Anderson,
Howard, Paul, Vance,
Zeuler and Mr. President — 7

Nays — None
Absent — Messrs. — Kanner
and Ensign — 2 —
Excused — Mr. Dudley —
So the Resolution was adopted —

Mr. President in the Chair.

Mr. Anderson from the Committee of Conference reported as follows:

Mr. President—

Your Committee of Conference appointed by the Council and Assembly to consider Council C. R. No. 2. With the House amendment in regard to Journal Clerk, hereby report that they have met and duly considered the same and hereby recommend the passage of the following substitute for C. C. R. No 2—

Resolved:

By the Council, the Assembly concurring that the office of Journal Clerk for the Council ~~sh~~ and the office of Journal Clerk for the Assembly is hereby created for the present session whose duties shall be to write in a suitable book the Journals of their respective Houses for such service each Clerk shall receive the sum of six dollars per day payable out of the Territorial Treasury, and that the Territorial Controller be and he is hereby authorized and required to audit the accounts of the Journal Clerks weekly and to draw his warrant on the Territorial Treasurer weekly for the amount due said Clerks payable out of any money not otherwise appropriated— and that the Council and Assembly be each allowed and permitted to choose their respective Journal Clerks as they may deem proper—

All of which is respectfully submitted

V. C. Anderson } Committee on
G. W. Paul } the part of Council—

Mr. Kelley } Committee on the
Mc. Creel } part of the House

Mr. Yantis moved that the report of the committee of Conference be adopted—
Mr. Dudley called for the Ayes and Nays—

Roll called—

Ayes—Messrs. Allen Anderson Paul Vance, Yantis, and
Mr. President—6—

Nays—Messrs. Dudley and Howard 2
Absent Messrs. Bunner and Ensign—2

So the Resolution was adopted—

Mr. Dudley from Committee on Federal Relations ~~made the~~ following report

Mr. President—

Your Committee on Federal Relations to whom was referred C. M's. Nos. 2-3 and 4 have had the same under consideration and report them back to the council and recommend their passage—

On Motion of Mr. Dudley the Council took up C. M's. Nos. 2, 3 and 4—

On Motion of Mr. Dudley the Rules were suspended C. M. No. 2, relating to a treaty with the Indians in and around Fort Hall, was considered engrossed and read 3rd time—

The question being

"Shall the memorial be adopted"—

Roll was called.

Ayes—Messrs. Allen, Anderson Dudley
Howard, Paul, Vance Yantis and
Mr. President—8

Nays—None

Absent—Messrs.—
Bunner and Ensign—2

So the memorial was adopted—

On motion of Mr. Dudley C. M. No. 3 was ordered engrossed

On Motion of Mr. Anderson the Rules were suspended C. M. No. 4 relating to additional appropriations for the public surveys was considered engrossed and read 3d time – the question being shall the Memorial be adopted Roll was called –

Ayes – Messrs – Allen, Anderson,
Dudley, Howard, Paul,
Vance, Yantis and
Mr. President – 8
Nays – None –
Absent – Messrs – Banner and
Ensign – 2
So the Memorial was adopted –

On motion of Mr. Anderson the Council resolved itself into Committee of the whole on Resolutions, Memorials, and Bills so referred this morning –

Mr. Anderson in the Chair –

After Considering C. M. No. 5 – C. B. No. 6 and C. B. No. 7.

On Motion of Mr. Yantis the Committee arose and

In Council
The President in the Chair

Mr. Anderson Chairman submitted the following report –

Mr. President –

Your Committee of the whole having had under consideration C. M. No. 5 – relating to an assay office report the same back and recommend it be engrossed and passed to 3d reading – also C. B. No. 6 – Amending the law taxing foreign miners, and report the same back with the recommendation that it be referred back to the Judiciary Committee –

also C. B. No. 7 – An Act for the relief of A. Haar late assessor of Ada County – and report the same back to the Council with recommendation that it be made the special order for tomorrow at 3 o'clock P. M. All of which is respectfully submitted.

On Motion of Mr. Dudley the report was adopted.

Mr. Paul offered C. C. R. No. 7 in regard to the printing of Memorials and manner of forwarding them to Washington.

Read 1st and 2d times and placed on the General File.

On Motion of Mr. Howard H. B. No. 1 was taken from the table and recommitted to the committee on Counties and County boundaries.

On Motion of Mr. Anderson the Council adjourned.

J. S. Taylor
President Council

Geo. Ainslie
Secretary

Tenth Day Council Chamber,
Boise City I. T. Decbr 16th 1868

Council Met pursuant to Adjournment
President in the Chair,

Roll Called - Present - Messrs - Allen - Anderson, Bonner, Dudley Ensign - Howard - Paul, Vance, Vantis, And Mr President

Prayer by the Chaplain - On Motion of Mr. Dudley the Council took a Recess of 15 Minutes - Council Reassembled - Journal of Yesterday Read and Approved - Message from the Territorial Secretary Relative to Public Printing -

Secretary's Office I. T.
Boise City Dec 15th 1868

Sir:

I have the honor herewith ~~to~~ to transmit Extract from letter of instructions (now on file in this Office) from Treasury Department in Relation to Public Print in this Connection (I would Say) I have made Contract on the part of the United States, with Jas S. Reynolds, to execute the Legislative Printing for the Session of 1868-9.

Very Respectfully Your Obedient Servant
S. R. Howlett
Secretary of Idaho

To Hon: S. S. Taylor President of Council

Your attention is invited to the Circular of this Office dated Octr 10, th 1855 issued by direction of the Secretary of the Treasury Copies of which are herewith (transmitted,) in Order that no injustice may be suffered either by United States or the Printers in the Territory, of the action had in this Connection by the Department, I have Caused to be prepared a Series of Interrogatories Relative to work of this Character, the Paper Containing them is herewith entitled Printing Establishments in the Territories.

Upon the Organization of the Territory, And with the least Possible Delay, You will Report the Result of Your enquiries, And also Make a Similar Report on the first of January Annually, These Reports will form the basis of a tariff of prices to be established by this Office, by which Your disbursements On that account will be Regulated.

You will be Carefull to forward with the Bills for printing rendered As directed in the Circular heretofore Referred to Specimens of all the Printing executed under Your Supervision for Measurement, This Department Claims and Reserves the Right under existing Laws to Regulate the Prices and Quantity of the Territorial Printing, The limits of the Annual Appropriation, aside from other Considerations would not admit indefinite Action in this respect by Legislative Assembly. You will therefore Suggest to the Presiding Officers of each House that Memorials, Petitions and documents having no necessary connection with the duties of Legislation, or the Dissemination of usefull information among the people will be excluded And Not be Printed At the Expense of the United States,

On Motion of Mr. Dudley the Communication from the Secretary was ordered printed,

Mr Ensign gave Notice that he would at an early day, Introduce a Bill Relative Defining the time for Act and

Resolutions to that affect also,
Also Relative to leave of Absence of T. J. Beatett. County Auditor And Recorder of Owyhee County,

Mr Howard pursuant to Notice Introduced C. B. No 8, An act Removing the County Seat of Idaho County.
Read 1st And 2d times And Referred to the Committee of the Whole—

Mr Paul from the Committee On Engrossed Bills reported as follows; Mr President
Your Committee on Engrossed Bills would respectfully report that they have examined C. M. No. 3. And find it Correctly Engrossed—

Message from the House taken up—
H. C. R. No 3, taken up read and on Motion of Mr. Dudley Referred to the Committee on Printing.
H. C. R. No. 2. taken up and Read; Mr Dudley Moved that the Resolution be Referred to a Select Committee of three to be appointed by the Chair, the Ayes & Nays being Called—

Ayes—Messrs— Allen, Bunn, Dudley, Howard. Vance. (5.)
Nays— Messrs. Anderson, Ensign, Paul Yantes And Mr. President (5.)
So the motion was Lost.

On motion of Mr Paul. H. C. R. No. 2. was laid upon the table, H. B. No 3, An act to Amend An act for the protection of Sheep And Goats taken up, Read 1st And 2d times, And on Motion of Mr Dudley Referred to Committee on Agriculture

H. B. No 4. An act to Repeal An act for the protection of Game in Ada County, taken up—Read 1st and 2d times. And on Motion of Mr. Dudley Referred to Committee on Agriculture—

—Message from the Governor—

Executive Department Boise City Idaho Ty
December 13 1868

Hon. E. S. Taylor President of the Council
[illegible]

It is thought there is a probability that Fort Baise may be abandoned as a Military Post. In the event that this Post should be abandoned it is very desirable that the property should be turned over to the Territory. The Buildings are Substantial and sufficiently commodious to accommodate all the Territorial and Federal Offices for many years including the Legislature. In fact I think we could not expect to be better provided for than by having the use of those buildings for Territorial purposes.

If they should be dismantled or sold in the usual way when such Posts are abandoned the proceeds probably would not exceed the rent paid by the General Government and the Territory for public buildings for two years. We are laboring under great embarrassments for want of suitable public buildings.

By turning this property over to the Territory our wants would be amply provided for, and the General Government could be supplied with offices for the transaction of all business at the Capital of the Territory free of rent.

It will be seen from the accompanying letter of the Hon Secretary of the Interior, James Harlan, herewith transmitted that the Military Authorities are not authorized to turn this property over to the Territory except by Special Act of Congress.

In accordance with the suggestions of the Hon. Secretary, I would respectfully submit this matter to your Hon. body and should it receive your favorable consideration trust that you will memorialize Congress in such manner that the object may be accomplished in case this Military Post shall be abandoned

D. W. Ballard

On Motion of Mr. Dudley, the Governors Message was referred to the Committee on Federal Relations and ordered printed.

On Motion of Mr. Anderson C. M. No. 3. Relative to Survey of the boundary line between Idaho and Wash. Read 3rd time, the question being shall the Memorial be adopted, Roll called. Ayes Messrs. Allen, Anderson, Bunner, Dudley, Ensign, Hubbard, Paul, Vance, Faules and Mr. President — (10) Ten

Nays. None.

So the Memorial was adopted,

On Motion of Mr Dudly The Council took a recess until 30 Minutes past 2 O'Clock P. M.

After Noon Session,

30 Minutes past 2 O'Clock P. M. President in the Chair Roll Called, Present Messrs Allen, Anderson, Bunner, Dudly, Ensign, Howard, Paul, Vance, Vantes, And Mr President, On Motion of Paul C. B. No 7, Which was Made the Special Order of to day at 3 O'clock P. M. was laid on the table to be taken up on the General File Tomorrow,

Message from the House

House of Representatives,

Boise City Decb 16th 1868, Mr President

I am instructed to inform Your Hon Body that the House has had under Consideration and adopted C. C. R. No 6, As to Code or Compiling Committee,

Also, A Substitute for C. C. R. No 2, Relative to the Appointment of Journal Clerk And have Passed H. M. No 2, Memorializing Congress for an Appropriation to Survey the boundries of the Nez Perce Indian Agency, Also, C. B. No 4, to Change the Name of William Walker Stackpole to Wm Walker All of Which is herewith transmitted.

Also, the House has adopted C. C. R. No 5. Granting leave of Absence to John W. Berry, Sheriff of Nez Perce County

Henri H. Sayins
Chief Clerk House
Representatives

Mr Vantes from Committee on Enrolled Bills Reported as follows; Mr President,

The Committee on Enrolled Bills have the honor to Report that they present

The Hon: S R Howlett Secretay of Idaho.
C. C. Rs Nos 1, and 3. December 16. 1868.

Mr Paul from Committee on Engrossed Bills Reported as follows

Mr. President.

Your Committee on Engrossed bills Would Respectfully Report that they have Examined C. M. No 5, And find it Correctly Engrossed.

Mr Dudley Offered the following C. R. which ^was adopted—

Resolved.

By the Council that the Secretary of the Council be and he is hereby Authorized to appoint A Journal Clerk for the present Session

On Motion of Mr. Anderson, C. M. No 5 Relating to the Establishment of an Assay Office in Boise City, was taken up Read 3, time

The Question being Shall the Memorial be adopted, Roll Called

Ayes. Messrs Allen, Anderson, Bunner, Dudley Ensign, Howard, Paul, ^vance Yantes and Mr President (10)

Nays None — So the Memorial was adopted

On Motion of Mr Dudley The Council adjourned

J S Taylor
President Council

Geo Ainslie
Secretary

Eleventh Day

Council Chamber
Boise City, I.T.
Dec 17th 1868

Council met pursuant to adjournment—

President in the Chair—

Roll Called—Present Messrs—
Allen, Anderson, Brunner,
Dudley, Ensign, Howard,
Paul, Vance, Yantis and
Mr. President—

Prayer by the Chaplain—

Journal of Yesterday read and approved

Mr. Dudley on leave introduced C. B. No. 9 "An Act to provide for the payment of Counsel necessarily employed by Territorial Controller and Treasurer in matters of Territorial Revenue before the District and Supreme Courts—
Read 1st and 2d times and on motion of Mr Dudley the rules were suspended and the Bill was referred to Judiciary Committee—

Mr. Ensign pursuant to notice introduced C. B. No. 10 - An Act defining the time for Acts and Joint Resolutions to take effect—
Read 1st and 2d times and on motion of Mr. Paul the Rules were suspended and Bill referred to Judiciary Committee

Mr. Ensign also introduced C. B. No. 11— "An Act" granting J. H. Beckett leave of absence from the Territory—"
Read 1st and 2d times and on motion of Mr. Ensign the rules were suspended the Bill considered engrossed—
Read 3d time and placed upon its passage—

The question being "Shall the Bill pass"
Roll Called—
Ayes— Messrs. Allen, Anderson,
Bunner, Dudley, Ensign,
Howard, Paul, Vance and Tautis—
and Mr. President—10—
Nays— None—
So the Bill passed—

General File—

H. M. No. 2 "For an Appropriation to survey boundaries of Nez Perce Indian Reservation"—

Read 1st and 2d times and on motion of Mr. Paul the Rules were suspended Memorial read 3d time and put upon its adoption—

The question being "Shall the Memorial be adopted"—

Roll Called—
Ayes— Messrs. Allen, Anderson,
Bunner, Ensign, Howard,
Paul, Vance, Tautis and
Mr. President— 9
Nays— None—
Absent Mr. Dudley— 1
So the Memorial was adopted—

On Motion of Mr. Paul the Council took a recess of ten minutes—

Council Reassembled—

C. B. No. 7 "An Act for the relief of [illegible] late assessor of Ada County"—
Read 3d time—

The question being "Shall the Bill pass"

Roll Called
Ayes. Messrs— Allen, Bunner,
Ensign, Howard, Paul
Tautis, and Mr. President— 7
Nays— Messrs. Anderson and Vance— 2
Absent Mr. Dudley— 1
So the Bill passed—

Mr Paul gave notice that on tomorrow he would introduce a Resolution to rescind Rule 39 of the Council rules

On Motion of Mr. Paul the Council took a recess until 2 o'clock P. M.—

Afternoon Session 2 o'clock. P. M.—

President in the Chair—

Roll Called—

Present, Messrs. Allen, Anderson, Dudley, Emigh, Howard, Gantz and Mr. President—

Absent- Messrs. Paul and Vance—

In accordance with the Resolution adopted Yesterday the Secretary appointed Mr. Geo. C. Luckett Journal Clerk of the Council for the fifth Session of the Legislature of Dakota—

Mr. Anderson gave notice that he would at an early day, introduce a Bill relating to Prosecuting Attorneys—

Mr. Paul from the Committee on Printing reported as follows:

Mr. President

Your Committee on Printing would respectfully report, that the Communications from the Governor and Secretary of the Territory and accompanying documents have been printed as ordered and are now on the table—

Mr. Gantz from the Committee on Enrolled Bills reported as follows:

Mr. President:

The Committee on Enrolled Bills have the honor to report that they have examined C. B. No. 4. also C. C. R. Nos. 2. 5. and 6 and also C. C. M. No. 1 and find the same correctly enrolled—

Mr. Paul by leave withdrew C. C. R. No. 7 relating to Printing—

The President announced to the Coun

that he was about to sign C. B. No 4 - An Act to change the name of William Walker Stackpole to William Walker and C. M. No 1 relative to the extension of the term of the sessions of the Legislature of Idaho - Substitute to C. C. R. No. 2. Relative to the appointments of Journal Clerks also C. C. R. No. 5 - Relative to leave of absence granted John G. Berry Sheriff of Nez Perce County - and C. C. R. No. 6 - Relative to Codifying and Compiling the laws of Idaho Territory -

On Motion of Mr Vance the Council adjourned -

J. S. Taylor
President Council

Geo Ainslie
Secretary

Twelfth Day

Council Chamber
Boise City, I. T.
Decr 18th 1868

Council met pursuant to adjournment

President in the Chair -

Roll Called - Present Messrs -
Allen, Anderson, Bunner,
Dudley, Ensign, Howard,
Paul, Vance, Fowler,
and Mr. President -

Prayer by the Chaplain

Journal of yesterday read and approved -

Mr. Paull pursuant to notice introduced the following Resolution —

Resolved:

By the Council that rule No. 39 be expunged from the Rules of the Council —

Mr. Paull moved that the Resolution be adopted —

Mr. Vance moved to lay the Resolution on the table — Carried —

Message from the Governor —

Executive Department
Boise City, I. T. —
Dec 17th 1868 —

To [illegible] Taylor
President Council
Idaho Legislature —
Sir!

I have the honor herewith to return Council Bill No. 4 with my approval —
Also Council Bill No. 1 with my endorsement thereon —

Very respectfully
Your Obt. Servt. —
D. W. Ballard
Governor Idaho Territory —

Executive Department
Boise City Idaho Territory —
Dec 6th 1868 —

Hon. [illegible]
President of the Council

Hon. O. J. [illegible]
Speaker of the House of Representatives

I have the honor of herewith transmitting for your consideration the report of the Hon. [illegible] Commissioner [illegible] appointed by Act of Jan. 11th 1867 of the Legislative Assembly of the Territory of Idaho whose duties were prescribed by the 1st and 2d sections of said Act. All of which is respectfully submitted to your Honorable Body—

D. W. Ballard
Governor of Idaho Territory

Mr. Ensign from Judiciary Committee reported as follows:

The Judiciary Committee to whom was referred Council Bill No. 10 have had the said Bill under consideration and herewith report it back and recommend its passage—

Ensign
Chairman—

On Motion of Mr. Dudley the Governor's Message and accompanying documents were ordered printed—

Message from the House—

House of Representatives,
Boise City I. T. Dec 11th 68

Mr. President:

I am instructed to inform your Honorable Body that the House have had under consideration and passed C. B. No. 2 An Act to amend an Act incorporating Lodges of Free Masons &c. Also C. B. No. 5 changing the name of Thos. Rogers to Edward Brooks Also C. M. No. 4 for additional appropriations for Public Surveys Also C. C. R. No. 2 authorizing Sergeant at Arms to subscribe for certain Newspapers—

All of which are herewith transmitted—

Sam'l F. [illegible]
Chief Clerk
House Representatives

C. B. No. 10 An Act fixing the time for Acts and Joint Resolutions to go into effect was taken up on motion. Rules were suspended, Bill considered engrossed and read 3d time—

The question being "Shall the Bill pass"

Roll called—

Ayes—Messrs. Allen, Anderson,
Bunner, Dudley, Ensign,
Howard, Paul, Vance,
Vautier and Mr. President—10—
Nays—None—
So the Bill passed—

Mr. Vautier from Committee on Enrolled Bills made the following reports—

Mr. President:

The Committee on Enrolled Bills, have the honor to report that they presented to his Excellency Governor D. W. Ballard for his approval Council Bill No. 4— and Council Memorial No. 1 at 3 o'clock P.M.

Dec 6th 1868—

Respectfully
Vautier
Chairman

Mr. President

The Committee on Enrolled Bills have the honor to report that they delivered to Hon. S. R. Howlett Secretary of Idaho Council Bill No. 4 and Council Memorial No. 1—

Dec 8th 1868—

Vautier Chairman—

Mr. President:

The Committee on Enrolled Bills have the honor to report that they delivered to Hon. S. R. Howlett Secretary of Idaho Council Resolutions Nos. 5 and 6 and also substitute for

C. C. R. No. 4-

Dec. 16th 1868

Council Chamber—

Mr. Ensign gave notice that at some future day he would introduce a Bill prescribing the manner of commencing and maintaining suits by and against counties—

Also a Bill concerning the employment of persons under sentence of imprisonment in County Jails—

Mr. Barnes offered the following C.C. Resolution No. 8—

Resolved by the Council the House of Representatives concurring, That a Joint Committee of two from the Council and three from the House of Representatives be appointed whose duty it shall be to revise and print a General Revenue Law for the Territory and that said Committee be instructed to report at an early day—

On motion of Mr. Dudley the Rules were suspended C.C.R. No. 8 was considered and engrossed read 3d time—

The question being shall the Resolution be adopted

The ayes and noes were called—

Ayes—

Allen, [illegible], Barnes,

~~Dudley~~, Ensign, Howard,

Paul, Sanders, — 7

Nays Anderson Yaites and Mr. President — 3

So the Resolution was adopted—

On motion of Mr. Barnes the Council took a recess until 2 o'clock P.M.—

Afternoon Session

2 o'clock P.M.—

President in the Chair

Roll Called Present Messrs.

Allen, Anderson, Bannon,
Dudley, Ensign, Howard,
Pall, " ", Hunter,
and Mr. President 9 —
Absent Mr Vance ——— 1
Message from the House —

House of Representatives
Boise City Dec 18th 1868

Mr President:
I am instructed to inform your Honorable Body that the House has had under consideration and passed C. M. No. 3 — for survey of Boundary line between Utah and Idaho, C. M. No. 5 — for assay office at Boise City =

H. M. No. 1 — for the repeal of an Act placing Idaho and Montana under one Indian Superintendence:

H. B. No. 3 — for the extension of the Jurisdiction of Probate Judges & Justices of the Peace —

C. J. R. No. 11 Granting leave of absence to J. D. Bicknell — H. B. No. 2 — An Act to authorize C. Beers, C. Davis and associates to construct a Bed rock flume on Wapicic Creek

H. B. No. 8 — An Act to change the name of J. H. Lezard to J. H. Bernard also was adopted —

H. C. R. No. 4 — Relative to appropriations for printing

Bill of which is herewith transmitted —

Henri F. Lays
Chief Clerk
House Representatives

Mr Geo. W. Tuskell — Journal Clerk elect — came forward and took the oath of office =

On Motion of Mr. Paul C. R relating to the rescinding of Rule 37 of the Council Rules was taken up—

The question being Shall the Resolution be adopted—

Ayes and Nays called

Ayes—

Messrs. Allen, Anderson, Brunner,
Dudley, Paul, Yantes — 6
Nays Messrs Howard Vance
and Mr. President — 4

So the motion was lost—

Mr Anderson from the committee on Counties and county boundaries made the following report

Mr. President Your Committee to whom was recommitted House Bill No. 1— in regard to organizing the County of Lincoln hereby report the same back without any recommendation all of which is respectfully submitted—

W. S. Anderson,
Chairman
Committee on Counties and County boundaries

On Motion of Mr. Howard H. B. No. 1 was made the special order for Monday at 2 o'clock P.M.—

Mr. Dudley gave notice that on to morrow he would offer a Resolution amending Rule 37 of the Council and to expunge Rule 37—

On Motion of Mr. Anderson the Message from the House was taken up—

H. M. No. 1 asking Congress to attach in Dak Territories Idaho and Montana under one Indian Superintendency read 1st and 2d times and on motion of Mr. Paul Rules were suspended Memorial read 3d time and placed upon its adoption

The question being "Shall the Memorial be adopted"—

The Roll was called
Ayes— ~~Mr~~ ~~Nays— Nays~~—

Allen, Anderson, Brunner,
Dudley, Ensign, Howard,
Paul, Vance, Sautis
and Mr. President — — 10
Nays none — So the memorial was adopted —

Mr. Dudley gave notice that on tomorrow he would move to reconsider the vote by which H. M. No 1 was adopted —

H. M. No. 3 Praying for the extension of the Jurisdiction of Probate and Justice Courts — Read 1st and 2d times and on motion of Mr. Sautis the Rules were suspended and referred to Judiciary Committee —

H. B. No. 2 "An Act to Authorize C. Beer C. Dore and their associates to construct and maintain a Bed Rock Flume on Napias Creek" Read 1st and 2d times and referred to Committee of the Whole —

H. B. No. 8 "An Act to change the name of J. H. Howard to J. H. Barnard" Read 1st and 2d time and on motion of Mr. Dudley the Rules were suspended read 3d time —

The question being "Shall the Bill pass"

Roll Called —
Ayes — ~~10 [illegible]~~ —
Messrs. Allen, Anderson,
Brunner, Dudley, Ensign,
Howard, Paul, Vance,
Sautis, and Mr. President — 10
Nays — ~~none~~
So the Bill passed —

H. C. R. No 4 — Relative to the appropriation for printing taken up —

The question being Shall the Resolution be adopted
The Ayes and Nays were called
Ayes — Messrs. Allen, Anderson,
Brunner, Dudley, Ensign —

Howard, Paul, Vance Vaulter and Mr. President — 10

— Nays — None

So the Resolution was adopted —

On Motion of Mr. Anderson the Council adjourned —

J. S. Taylor
President Council

Geo. Ainslie
Secretary

Thirteenth Day

Council Chamber
Boise City, Dec. 19, 1868

Council met pursuant to adjournment —

President in the Chair —

Roll Called — Present — Messrs —
Allen, Anderson, Bunner,
Ensign, Howard, Paul, Vance
Vaulter and Mr. President
Absent — Mr. Fuller —

Prayer by the Chaplain —

Journal of Yesterday read and approved

Mr. Paul offered C. C. R. No. 9 — Requiring delegate in Congress to procure Cadetship at West Point — for Amos Rochester Lenter.

read 1st time —

Mr. Allen offered C. C. R. No. 10 — For a Joint Select Committee of two from each House to be appointed to examine Territorial Controller and Treasurer's Books

Read 1st time —

Mr. Allen on leave introduced C. B. No. 12 — An "Act Amendatory of An Act Creating the Board of County Commissioners and defining their duties

Approved Dec 22d 1864 —

Read 1st and 2d times and referred to Judiciary Committee —

Mr. Ensign from Judiciary Committee, reported as follows:

Mr. President —

The Judiciary Committee to whom was referred C. B. No. 7 — have had the same under consideration and herewith report the same back with an amendment and recommend the passage as amended —

Mr. Paul from Committee on Printing reported as follows;

Mr. President

Your Committee on Printing would respectfully report that they have had under Consideration H. C. R. No. 3 — and would recommend the passage of the same —

H. C. R. No. 3 Relating to the printing of bills taken up and the question being "Shall the Resolution be adopted —

Roll was called

Ayes Messrs. Allen, Anderson,
Banner, Dudley, Ensign,
Howard, Paul, Vance,

Yates and the President 10, Nays None -
So the Resolution was adopted -

Message from the House -

House of Representatives
Boise City - Dec 19th 1868

Mr. President -
I am instructed to inform your honorable Body that the House has had under consideration and adopted C. C. R. No 1 in reference to Committee on Revenue Laws - and that Messrs. Kelly, McGrew and Hart have been appointed on the part of the House as said Committee -

Henry [illegible] Lay
Chief Clerk
House of Representatives -

On Motion of Mr. Dudley the amendments recommended to C. B. No 7 by Judiciary Committee were adopted -

On Motion of Mr. [illegible] C. B. No 7 was ordered engrossed as amended -

Mr. Dudley on leave introduced C. B. No 10 - An Act to amend an Act entitled An Act to amend an Act entitled An Act to provide for the licensing of foreign miners -
Approved Jan. 11th 1866
Read 1st and 2d times -

On Motion of Mr. Dudley the Rules were suspended and referred to Judiciary Committee -

Mr. [illegible] from Special Committee on Governor's Message relating to Railroads reported as follows:
Mr. President -
The Special Committee to whom was referred that portion of the Governor's Message relating to

Railroads have had the same under consideration and report by memorial Read 1st and 2d ~~times~~ and on motion of Mr. Dudley the Rules were suspended the memorial ordered engrossed and printed—

In accordance with C. C. R. No. 8 — the President appointed Messrs. Brunner and Anderson a Joint Committee on the part of the Council—

The President announced that he was about to sign C. B. No. 2 — "An Act Incorporating Grand and Subordinate Lodges of Free and accepted Masons. The Independent Order of Odd Fellows and the Independent Order of Good Templars" —
C. C. R. No. 4 — Requiring the Sergeant At Arms to furnish certain News Papers for the use of the Members of the Legislature and C. B. No. 5 — An Act to change the name of Thomas Rogers to Edward Brooke—

Mr. Ensign pursuant to notice introduced C. B. No. 14 An act concerning persons in Custody under sentence of imprisonment.
Read 1st and 2d times and on motion the rules were suspended and referred to Judiciary Committee

On Motion of Mr. Paul the Council took a recess until 2 o'clock P. M.—

Council Reassembled 2 o'clock P. M.

President in the Chair—

Roll Called — Present Messrs
Allen, Anderson, Brunner,
Ensign Howard, Paul,
Price, Sander and Mr Presid

absent Mr. Dudley—

On Motion of Mr. Ensign the Council took a recess until 3½ o'clock P.M.—

Council Reassembled—

3½ o'clock P.M.—

President in the Chair Quorum present

Message from the House

House of Representatives
Boise City Dec 19th 1868—

Mr. President,

I am instructed to inform your Honorable body that the House has adopted the following resolution and your consideration is asked thereto—

Henri F. Sayre—
Chief Clerk—
House of Representatives

Whereas it has pleased an All Wise Providence to remove from our midst our Sergeant at Arms John Donovan

Therefore be it resolved

That in our great bereavement we tender our heart felt sympathies to the relations and friends of the deceased—

Resolved:

That in the death of our Sergeant At Arms we have lost a good an efficient officer and a genial companion—

Resolved that in memory of our worthy officer—That the Legislative Council be invited to attend the funeral services and burial and that the House adjourn until 11 o'clock Monday the 21 inst—

Resolved—

That these Resolutions be placed upon the Journal of the House and the Chief Clerk send a copy thereof to his relatives—

Resolved That the members of the House wear crape for three days in memory of the deceased

Whereupon Mr. Hadley offered the following Resolution -

Resolved -

That the Council join in the expression of the Resolutions of the House of Representatives upon the death of John Donovan late Sergeant at Arms of the House and that the Council accept the invitation of the House of Representatives to attend the funeral of deceased and that in respect for the memory of deceased the Council do now adjourn -

On Motion of Mr. Ensign the resolution was adopted -

J. S. Taylor
President Council

Geo. Ainslie
Secretary

Fifteenth Day

Council Chamber
Boise City I. T.
Decr 2[illegible]. 1868

Council met pursuant to adjournment

President in the Chair

Roll called Present Messrs.
Allen, Anderson, Bunner,
Ensign, Howard, Paul
Vance Smith and
Mr. President

Absent Mr. Hadley

Prayer by the Chaplain

Journal of Saturday read and approved

The following Communication from Ada Lodge No. 3 Independent Order Odd Fellows read and placed on File—

Hall of Ada Lodge
No. 3. I.O.O.F.
Boise City I.T. Dec 28th/1868—

To the Hon. President and Members of the Legislative Council of Idaho—

Gentlemen,

By unanimous vote of the Lodge I am directed to convey to your Honorable Body the sincere thanks of Officers and Members for your courtesy in granting us permission to continue our weekly meetings in the Council Chamber— Your action in the premises is a matter of record on our Books— and is valued gentlemen fully appreciated

Very Respectfully
Your Obt. Svt.
[illegible] Porter
Secretary—

Mr. Paul offered C. J. R. No. 11— requesting the Governor to transmit certified copies of all Memorials which may be adopted at this Session of the Legislature, to the President of the United States to our Delegate to Congress and to the Heads of Departments to which the subject matter the Memorials may belong—

The question being on the adoption of the Resolution ~~the Roll~~
The Roll was Called

Ayes. Messrs, Allen, Anderson, Bunnell, Evergin, Howard, Paul, Vance

Yeates and Mr. President
Nays - None - Absent Mr. Woolley.
So the Resolution was adopted —

Mr. Yeates gave notice that he would at an early day introduce a Bill amending the Law relative to Crimes and punishments —

Council took a recess for fifteen minutes —

Council Reassembled —
Quorum present —
Message from the House —

House of Representatives
Boise City, Dec. 21st 1866

Mr. President —
I am instructed to inform your Honorable Body that the House has had under consideration and passed
H. B. No. 6 "An Act relating to Mechanics liens" also —
H. B. No. 11 — An Act defining duties of Constables also that they have concurred in C. R. No. 11 — as to forwarding Memorials to Congress —

Pierce F. Hayes —
Chief Clerk —
House Representatives —

Mr. Ensign from Judiciary Committee reported as follows:

Mr. President
The Committee on the Judiciary to whom was referred C. B. No. 4 have had the same under consideration and herewith report the said Bill back and recommend its passage —

Mr. [illegible] from the Committee on Agriculture reported as follows:

Mr. President—

Your Committee on Agriculture would respectfully report that they have had under consideration H. B. Nos. 3 & 4 — and report them back to the Council and their passage recommended—

Mr. Paul from the Committee on Engrossed Bills reported as follows:

Mr. President—

Your Committee on Engrossed Bills would respectfully report that they have examined C. B. No. 6 — and find it correctly engrossed—

Mr. Yantis from the Committee on Enrolled Bills reported as follows:

Mr. President—

The Committee on Enrolled Bills have the honor to report that they have examined C. B. Nos. 3 & 6 also C. C. R. No. 8 and C. B. No. 11 and find them correctly enrolled—

Mr. Howard from the Committee on Mileage reported as follows:

Mr. President—

The Committee on Mileage after making investigation as to the distance for each Member of the Council is entitled to draw Mileage would respectfully report that they find correct the number of miles annexed to their respective names, to wit:

G. H. Paul Ada County 32 miles

V. S. Anderson	Alturas	"	240	"
C. G. Dudley	Boise	"	160	
R. G. Allen	"		80	
~~[illegible]~~			110	"
J. M. Vance	Boise County			
L. C. Howard	Idaho	"	1100	"
I. N. Taylor	Nez Perce	"	1100	"
F. C. Emerson	Owyhee	"	120	"
	Oneida	"	—	—
B. F. Yantis	Shoshone	"	1000	"

All of which is respectfully submitted—
Howard
Chairman—

Message from the Governor—

Executive Office
Boise City I.T.
Dec. 16th 1868—

Hon. I. S. Taylor
President of Council
Boise City, I. T.—
Sir
I have the honor to return herewith—C. B. No. 2—C. B. No. 5 and C. C. R. No. 4—with my approval—

D. W. Ballard
Governor of Idaho—

H. B. No. 6—An Act amendatory of an Act relating to Mechanics Liens—
Read 1st and 2d times and on motion of Mr. [illegible] the Rules were suspended and Bill referred to Judiciary Committee

H. B. No. 11—An Act entitled An Act defining the duties of Constables—
Read 1st and 2d times and on motion of Mr. Paul the Rules were suspended and Bill referred to Judiciary Committee

Mr. Anderson moved that H. C. R. No. 2—relating to the appointment of a Joint Committee to select a site for Territorial Prison be taken from the table—

Mr. [illegible] called for the Ayes and Nays
Ayes. Messrs. Anderson, Banner, Ensign, Howard, Paul, [illegible] and Mr. President—7

Nays Messrs. Allen, Dudley and Vance 3 So the motion prevailed—

H. C. R. No. 2 - read and the question being "Shall the Resolution be adopted"

Ayes. Messrs. Allen, Anderson, Banner,
Dudley, Ensign, Howard,
Paul, Vance, Yantis,
and Mr. President — 10 —

Nays. None So the Resolution was adopted —

On Motion of Mr. Howard the Council took a recess until 2 o'clock P. M —

Afternoon Session 2 o'clock P. M —

President in the Chair —

Roll Called Present Messrs
Allen, Anderson, Banner,
Dudley, Ensign, Howard,
Paul, Yantis and Mr. President

Absent: Mr. Vance —

H. B. No. 1 - Special order for today at 2 o'clock P.M. was taken up —

Mr. Howard by unanimous consent offered an amendment to H. B. No-1-
Mr. Dudley moved that the amendment be adopted —
The question being on the adoption of the amendment the
Ayes and Nays were called —
Ayes - Messrs. Allen, Banner
Dudley, Ensign, Howard,
Yantis and Mr. President — 7

Nays: Messrs, Anderson, Paul, & Vance
3 So the amendment was adopted —

Call of the Council ordered —

On Motion of Mr. Paul further proceedings of the Council under the Call, were suspended —

Message from the House —

House of Representatives
Boise City Dec 21st 1868 —

Mr. President —

I am instructed to inform your Honorable Body that the House has had under consideration and has passed C. B. No. 3 "An Act to amend An Act providing for the appointment of Notaries Public and defining their duties &c —

Which is herewith transmitted — Henry F. Sayes
Chief Clerk House Representatives

The President announced that he was about to sign C. C. R. No. 8. Relative to the appointment of a Joint Committee to revise and report a Revenue Law &c — C. B. No. 11 — An Act granting J. H. Beckett — leave of absence from the Territory. C. M. No. 3 — For survey of the boundary line between Idaho and Utah Territories and C. M. No. 5 for an assay office at Boise City

The President also announced the appointment of Messrs. Ensign and Allen as the joint Committee to select a site for the Territorial prison under the provisions of H. C. R. No 2.

H. B. No 1. An act creating and organizing the County of Lemhi being under consideration and the question being shall the Bill pass as amended. The Roll was called

Ayes Messrs. Allen Bunner Dudley Ensign Howard Yantis and Mr President — 7.
Nayes. Messrs Anderson Paul & Vance 3.

So the Bill passed.

Mr Dudley moved that a Committee of two be appointed by the Chair, to wait on Governor Ballard and Secretary Howlett and ascertain what if any provision is made by Government for the transmission of memorials to Congress and Heads of Departments — The motion carried and Messrs Dudley and Yantis appointed such Committee — On motion of Mr Paul the Council adjourned.

Chief Clerk J. S. Taylor President Council

Sixteenth Day

Council Chamber
Boise City I. T.
Dec 22nd 1868

Council met pursuant to adjournment. President in the Chair - Roll called - Present Messrs Allen Anderson Bunner Dudley Ensign Howard Paul Vance Curtis and Mr President

- Prayer by the Chaplain -

- Journal of Yesterday read and approved -

Mr Anderson on leave introduced C. B. No 15. "An Act to amend and Act to repeal an Act in relation to the County Commissioners of Oneida County -

Read 1st and 2nd times and on motion of Mr Anderson the rules were suspended and the Bill referred to the Judiciary Committee

- Message from the Governor -

Executive Department
Boise City I. T.
Dec 22. 1868

To Hon J. S. Taylor
Prest. of the Council
Idaho Legislature

Sir

I have the honor to transmit C. B. No 11. which I have this day approved and signed - ~~Also~~ C. M.s No's 3 and 5 which I have signed, and C. C. R. No 8. which does not come under my supervision and which I have therefore returned to your honorable body without my signature

Very Respectfully
Your Obedient Servant
D. W. Ballard
Governor of Idaho Territory

Mr Curtis pursuant to notice introduced C. B. No 16 "An Act amendatory of An act entitled an act Concerning Crimes and punishments approved Feby 4th 1864

Read 1st and 2nd times and on motion of Mr Howard the Rules were suspended and Bill refered to the Judiciary Committee.

Mr Paul from the Committee on Engrossed Bills reported as correctly engrossed C.B. No 9.

Mr Yantis from Committee on Enrolled Bills reported as correctly enrolled C M No 4. also C R. No 11. and C.B. No 3

C.B. No 9 taken up and on motion of Mr Dudley the Bill was recommitted to the Judiciary Committee

H.B. No 3 An Act to amend An Act to protect Sheep, Cashmere and Angora Goats read 3rd time. The question being shall the Bill pass Roll called. Ayes Allen Ensign, Howard Paul Vance Yantis and Mr President - 7

Nays Anderson Bunnel and Dudley - 3.

So the Bill passed

Mr Ensign gave notice that he would move for a reconsideration of the vote by which H.B. No 3. passed

H.B. No 4. An Act to repeal An Act for the protection of game in Ada County - Read 3rd time The question being shall the Bill pass - Roll called

Ayes. Messrs Anderson Ensign Paul Vance Yantis and Mr President 6.

Nays. Messrs Allen Bunnel Dudley Howard - 4.

So the Bill passed -

Mr Paul gave notice that ~~to~~ at an early day he would introduce a Bill for the protection of game in Idaho Territory

Mr Anderson gave notice that on tomorrow he would move to reconsider the vote by which H.B. No 4. passed

On motion of Mr Paul C.B. No 14. was ordered engrossed and printed

On Motion of Mr Howard the rules were suspended and H.B. No 2. refered to the Judiciary Committee

On motion of Mr Anderson the Council took a recess until 2. O'Clock P M.

Afternoon Session

2 O'Clock P. M

President in the Chair. Roll called - all present. The following Communication was received from Boise Lodge

No 2. A F & A M

Hall of Boise Lodge No 2. A F & A M.
Dec 22. 1868

Hon. I. S. Taylor Prest.
and
Members of the Council

Gentlemen

I am instructed to request of Your Honorable Body the use of the Council Chamber for Saturday Evening the 26th of December '68 for the Regular meeting of Boise Lodge No 2. A F & A M.

(L.S.)

Very Respectfully
Your Obdt Servt
G. W. Paul W.M.

On Motion of Mr Ensign the request was granted -

In accordance with C. C. R. No 6. relative to the Codifying and Compiling the laws of this Territory - the President announced the appointment of Messrs Vance & Ensign a joint Committee on the part of the Council

Mr Anderson gave notice that on some future day he would introduce a Bill amending an act defining the time of Commencing Civil Actions

Mr Vance offered the following C R.

Whereas several packages of Books belonging to the Territory of Idaho are now held in the different offices of Wells Fargo & Co and are retained there for freight due thereon

Therefore be it Resolved -

By the Legislative Council of Idaho Territory that a Committee of two be appointed by the Chair to enquire into the facts and report to the Council at the earliest day practicable as to the Books retained, the amount of freight money due thereon and by whom said charges should be paid

On motion of Mr Ensign the Resolution was adopted and the Chair appointed Messrs. Yantis and Vance such Committee

On Motion of Mr Anderson the Council adjourned

[illegible]
President Council

Geo Ainslie
Secretary

Seventeenth Day

Council Chamber
Boise City I. T.
Dec. 23rd 1868

Council met pursuant to adjournment

President in the Chair—

Roll Called— Present Messrs—
Allen, Anderson, Bunner,
Dudley, Ensign, Howard,
Paul, Vance, Yantis
and Mr. President—

Prayer by the Chaplain—

Journal of Yesterday read and approved—

Mr. Vance from Joint Committee on Territorial Books asked for further time which was granted—

Mr. Allen gave notice that at an early day he would introduce a Memorial asking Congress for an appropriation to defray the expenses of Citizens and Volunteers in the suppression of Indian hostilities in Idaho Territory—

Mr. Howard gave notice that he would at an early day, introduce a Bill to amend an Act entitled An Act for the pay of District Judges of Idaho Territory—

Mr. Ensign from Judiciary Committee reported as follows:

Mr. President—
Your Committee on Judiciary to whom was referred C. B.'s Nos [illegible] report them back to the Council and recommend their passage—
Also H. B. No. 36-7 [illegible] Petition substitute and recommend its passage by the substitute also

H. B. No-6- with amendments and recommend the adoption of the amendments and passage of the Bill as amended-

Also H. B. No-2- and H. M. No-3- and report them back without recommendation

H. B. No. 2- "An Act to authorize and empower C. Bevis C. Davis and their associates to construct and maintain a Bed Rock Flume in Napias Creek"- Read 3d time

The question being "Shall the Bill pass"

Roll Called-

Ayes- Messrs. Anderson, Bruner, Paul 3-

Nays- Messrs. Allen, Dudley, Ensign, Howard, Vance, Winters, and Mr. President- — 7

So the Bill was lost

H. M. No-3. Praying for the extension of the Jurisdiction of Probate and Justice's Courts- Read 3d time-

And on motion of Mr. Anderson was laid on the table-

C. B. No-15- "An Act to amend an Act to repeal an Act in relation to the duties of the County Commissioners of Oneida County"

On motion of Mr. Anderson the Rules were suspended & Bill considered engrossed read 3d time-

The question being Shall the Bill pass-

Roll Called-

Ayes- Messrs. Allen, Anderson, Bruner, Dudley, Ensign, Howard, Vance, Winters, and Mr. President -10-

Nays. None-

So the Bill passed-

H. B. No. 6- An Act amendatory of an Act relating to Mechanics Liens, was taken up and on motion the amendment reported from Judiciary Committee was adopted.

Mr. Dudley in the Chair—

Mr. Taylor moved that the Bill be laid on the table—
Mr. Paul called for the Ayes and Nays

Ayes—Messrs. Allen, Bunn, Dudley, Vance, Yantis, and Mr. President—6

Nays—Messrs. Anderson, Ensign, Howard, Paul,—4—

So the Bill was laid on the table—

Message from the House—

House of Representatives
Boise City Dec. 23rd, 1888—

Mr. President—

I am instructed to inform your Honorable Body that the House has had under consideration and passed C. B. No. 10—"An Act defining the time for statutes and Joint Resolutions to take effect" which is herewith transmitted also that Messrs. Kelley, McHamand and Wright have been appointed on the part of the House to select a site for the Territorial prison—

Harris F. Hayes—
Chief Clerk
House of Representatives—

Message from the Governor—

Executive Department,
Boise City, Idaho, Dec 23—1888

To Honorable John S. Taylor
President of the Council
Honorable E. T. Beatty
Speaker of the House
Idaho Legislature—

Gentlemen—

I herewith have the honor to submit the report of the [illegible] Superintendent of Public Instruction

for the years 1867 and 1868—
Very Respectfully
Your Obedient Servant
D. W. Ballard—
Governor of Idaho Territory

On motion of Mr. Vance the Council took a recess until 2 o'clock P.M.—

Council Reassembled 2 o'clock P.M.—

President in the Chair—

Roll Called Quorum Present—
Absent Messrs. Banner, Dudley and Vance

The President announced that he was about to sign C. M. No. 4— C. C. R. No. 11— and C. B. No. 3—

On Motion of Mr. Allen call of the Council was ordered—
Absent Messrs. Banner, Dudley and Vance—

On Motion of Mr. Paul further proceedings under the call were dispensed with— —

Mr. Paul was granted one half hour leave of absence from the Council—

On Motion of Mr. Anderson the substitute for C. B. No. 7 was adopted— and Rules suspended. Substitute for C. B. No. 9— An Act to provide for the payment of Counsel necessarily employed by the Territorial Controller and Treasurer in matters relating to Territorial Revenue in litigation before the District and Supreme Courts of this Territory—
Considered engrossed and Read 3d time
The question being Shall the Bill pass
Roll Called—
Ayes— Messrs. Allen, Anderson, Banner,
Dudley, Ewing, Howard,
Vance, Walker and Mr. President 9
Nays. Mess. Evans [illegible] 1

Message from the House —

House of Representatives
Boise City Dec 23rd 1868

Mr President

I am instructed to inform your Honorable Body that the House has had under consideration and passed C. M. No. 2 Memorializing Congress for an appropriation to locate certain indians around Fort Hall which is herewith transmitted — Also that the House has refused to concur in Council amendments to H. B. No 1 Creating and organizing the County of Lemhi and the Bill is herewith transmitted for further action

H. F. Sayres Chief Clerk
House of Representatives

Mr Paul from Committee on Engrossed Bills reported C. B's. Nos. 14 and 16. correctly engrossed

Mr Ensign pursuant to notice moved to reconsider the vote by which H. B. No 3 passed — The question being upon the reconsideration of the vote — Ayes and Nays were called
Ayes Messrs Anderson Ensign Bunner Vance & Mr President 5
Nays Messrs Allen Dudley Howard Paul & Yantis = 5
So the motion to reconsider was lost

Mr Anderson pursuant to notice moved to reconsider the vote by which H. B. No 4 passed.

Mr Paul moved to indefinitely postpone the motion to reconsider. Ayes and Nays called
Ayes Messrs Howard Paul. Yantis — 3
Nays Messrs Allen Anderson Bunner Dudley Ensign Vance Mr President 7 So the motion was lost.

The question being upon the reconsideration of the vote by which H. B. No 4 passed — Roll called
Ayes Messrs Allen Anderson Bunner Dudley Vance — 5
Nays Messrs Ensign Howard Paul. Yantis Mr President. 5
So the motion to reconsider was lost.

C. B. No 16. An Act amendatory of "An Act entitled An Act concerning Crimes and punishments" Read 3rd time. The question being shall the Bill pass — Roll called
Ayes Messrs Allen Anderson Bunner Dudley Ensign Howard Paul Vance Yantis Mr Prest — 10. Nays none So the

Mr Bunner on leave introduced C.B. No 17. "An Act dissolving the bonds of Matrimony between Chas H Mack and Catherine Mack" read 1st and 2nd times and Mr Paul moved that the rules be suspended and the Bill with accompanying documents be referred to the judiciary committee with instructions to report tomorrow - Motion lost

On motion of Mr Vance C.B. No 17 with accompanying documents was referred to a select committee of three
The Chair appointed Messrs Vance Ensign and Anderson as such committee

Mr Bunner was excused from the Council for the day.

On motion of Mr Paul the rules were suspended C.M. No 6. "For the passage of the Bill in Congress Entitled "The Idaho Montana Columbia River and Puget Sound Railroad". Read 3rd time. The question being shall the memorial be adopted - Roll called.

Ayes Messrs Allen Anderson Dudley Ensign Howard Paul Vance Yantis and Mr President - 9.
Nays - None
Absent - Mr Bunner - So the memorial was adopted

On motion of Mr Yantis the Territorial Controllers report was referred to the committee on Territorial affairs.

On motion of Mr Howard the Council adjourned -

J. J. Taylor
President Council

Geo Smith
Secretary

Eighteenth Day.

Council Chamber
Boise City I.T.
Dec 24th 1868

Council met pursuant to adjournment — President in the Chair — Roll called — Quorum present — Absent Mr Ensign — Prayer by the Chaplain — Journal of yesterday read and approved

Communication from Co H. 23rd Infantry Fort Boise as follows.

Fort Boise I.T.
Dec 23rd 1868

The members of Co H. 23rd Infantry take pleasure in inviting the members of the 1st House of Legislature to an Evening Entertainment which will take place at the Company quarters on the Evening of the 25th Inst — Performance to commence at 7 O'clock — Read and placed on file

C.B. No 18. An Act to amend An Act entitled An Act to authorize the County Commissioners of Boise County to levy and collect a special tax, approved Jany 12th AD 1866 read 1st and 2nd times and on motion of Mr Dudley the Bill was refered to the delegation from Boise County

Mr Howard pursuant to notice introduced C.B. No 19. An Act to amend An Act entitled An Act for the benefit of District Judges of Idaho Territory approved Jany 11. 1867 — Read 1st and 2nd times and on Motion of Mr Yantis the Rules were suspended and refered to Finance Committee

Mr Ensign gave notice that on some future day he would introduce a Bill creating the office of District Attorney for each County in the Territory and define the duties of the office

Mr Vance from the select Committee on the divorce of Dr Mack asked until Saturday next to report — time granted

Mr Reed moved that Mr Dudley be added to special Committee on divorce case and that it be made the special order of Monday 7 O'Clock P.M. — Motion lost

Mr Ensign from judiciary Committee reported as follows

Mr President — The majority of the Committee on the

Judiciary to whom was refered C.B.s No 6 & 13 report them back to the Council and recommend that they be refered to the Special Committee to revise and report a Revenue Law

Mr Dudley moved that the Council adhere to the amendment adopted to H.B. No 1. The ayes and nays being called

Ayes Messrs Allen Dudley Ensign Howard Yontz and Mr President — 6.

Nays Messrs Anderson Brunner Paul & Vance — 4.

So the motion prevailed

On motion of Mr Anderson a Committee of Conference consisting of three members from the Council was appointed by the Chair to act with a like Committee from the House on H.B. No 1 — The Chair appointed Messrs Anderson Dudley and Howard as such Committee.

Mr Brunner gave notice that at an early day he would introduce a Bill fixing the salaries of the various County officers of Boise County and for the payment of the same

~~Mr Ensign gave notice that he would at some future day ~~he would~~ introduce a Bill creating the Office of District Attorney for each county in the Territory and define the duties of the Office —~~

~~Mr Vance from the Special Committee on the claim of Mr Mack asked further time [illegible] further time granted~~

~~Mr Paul moved that Mr Ensign be added to the Special Committee on Revenue case and that he be [illegible] [illegible] of [illegible]~~

~~Motion lost —~~

~~Mr Ensign from Judiciary Committee reported as follows:~~

~~Mr President —~~

~~The majority of the Committee on the Judiciary to whom was refered C.B.'s Nos 6 and 13 report them back to the Council and recommend that they be refered to the Special Committee to revise and report a Revenue Law —~~

~~Mr. Hadley moved that the Council adhere to the amendment adopted to C. B. No 1 —~~

~~The Ayes and Nays being called —~~

~~Ayes — Messrs. Allen, Hadley, Ensign, Howard, Yantis and Mr. President 6 —~~

~~Nays — Messrs. Anderson, Bunney, Paul and Vance —~~

~~So the motion prevailed —~~

~~On motion of Mr. Anderson a Committee of Conference consisting of three members from the Council, was appointed by the Chair to act with a like committee from the House on H.B. No 1 —~~

~~The Chair announced the appointment of Messrs. Anderson, Hadley and Howard as such committee —~~

~~Mr. Bunney gave notice that at an early day he would introduce a Bill fixing the salaries of the various County officers of Boise County and for the payment of the same~~

Mr. Ensign gave notice that he would at some future day introduce a Bill creating the office of County Commissioner for each county in the Territory and defining their duties —

On motion of Mr. Allen C. C. R. No 11 for the appointment of a joint committee of two from each house to examine Territorial Controller and Treasurer's office was taken up and on motion of Mr. Vance the Rules were suspended the resolution considered engrossed and read 3d time —

The question being on the adoption the vote was called

Ayes — Messrs. Allen, Anderson, Bunney, Hadley, Ensign, Howard, Paul Vance and Mr. President 9

Nays — None — absent Mr. Yantis —

So the Resolution was adopted —

Mr. Ensign moved a vote of thanks to the officers and Soldiers of Company "G" 23d Infantry for the invitation to the Council -

Mr. Anderson moved to amend the motion by also accepting the invitation - Amendment adopted - and the motion as amended carried -

Mr. Paul was granted leave of absence for one day -

Mr. Banks from Enrolled Bills reported as follows:

Mr. President -

The Committee on Enrolled Bills have the honor to report that they presented to Governor D.W. Ballard for his approval C.M. No 4 and C.B. No 3 Decr 24th. 12 O'Clock M. 1868

Also that they delivered to Secretary S R Howlett C.C.R. No. 11 Dec 24th. 1868

On motion the Council took a recess until 2. O'Clock P. M.

Council reassembled 2 O'Clock P. M
President in the chair
Roll called quorum present - Absent Messrs Ensign & Paul

Mr Vance from Boise delegation reported as follows
Mr President

Your Special Committee consisting of the Boise County Delegation beg leave to make a majority report and recommend the passage of C.B. No 18

On motion of Mr Allen the rules were suspended, C.B. No 18. "An Act to amend An Act entitled An Act to authorize the County Commissioners to levy and collect a special tax approved Jany 12th. 1868" was considered engrossed read 3rd time and put upon its passage - The question being shall the Bill pass - Roll called

Ayes Messrs Allen Anderson Bunn Dudley Howard Vance
Tufts & Mr President — 8.

Nays None

Absent Messrs Ensign & Paul - 2

So the Bill passed

Mr. Bunner gave notice that on tomorrow or the day after he would move for a reconsideration of the vote by which C. B. No-18 passed —

Message from the House —

House of Representatives
Boise City — Dec. 24th 1868 —

Mr. President —

I am instructed to inform your Honorable Body that the House has had under consideration and passed as amended by them C. B. No-7 — An Act for the relief of A. Haas —

Also H. C. R. — No-5 — inviting Col. J. O. Hudnutt Chief Engineer O. & P. R. R. to address the two Houses in Joint Convention upon railroad matters —

Henry F. Sayre —
Chief Clerk —
House of Representatives.

H. C. R. No-5 — Inviting J. O. Hudnutt Engineer O. P. R. R. to address the two Houses in Joint convention — taken up, read 3d time and on motion of Hon. Anderson was put upon its adoption —

Roll Called —

Ayes — Messrs. Allen, Anderson, Bunner,
Dudley, Emerson, Howard,
Vineyard, Hailey, and Mr. President 9

Nays — None — absent Mr. Reed — 1

So the Resolution was adopted —

On Motion of Hon. Dudley the Council adjourned —

J. S. Taylor
President Council

Geo. Ainslie
Sec. C.

Nineteenth Day

Council Chamber
Boise City, I. T.
Dec. 25, 1868.

Council met pursuant to adjournment

President in the Chair —

Roll Called Quorum Present —
Absent — Messrs. Paul and Vance —

On Motion of Mr. Anderson the reading of the Journal was dispensed with —

On Motion of Mr. Anderson the Chair appointed a Committee of two consisting of Messrs. Anderson and Ensign to wait upon Col. J. C. Hammett, who proposed addressing both Houses in Joint Convention tomorrow on the railroad question —

On Motion of Mr. Butler the Council adjourned until 10 o'clock tomorrow —

J. S. [illegible]
President Council

Geo. Ainslie
Secy

Twentieth Day

Council Chamber
Boise City, I. T.
Dec. 26th 1868

Council met pursuant to adjournment

President in the Chair—

Roll Called—Quorum Present—
absent Messrs. Brunel, Dudley, Paul—

Journal of Thursday and Friday read and approved—

Message from the House—

House of Representatives
Boise City Dec. 26. 1868—
Mr. President—
I am instructed to inform your honorable body that the House is now ready to meet the Council in Joint Convention for the purpose of hearing Col. Hudnutts remarks on Railroads &c—

Henri F. Gray—
Chief Clerk—
House Representatives

Mr. Hinkley gave notice that he would at a future day introduce a Bill to amend an Act entitled an Act to create a territorial Prison Commissioner

C. B. No. 7 taken up and on motion the H. amendments were concurred in—

Message from the Governor—

Executive ~~Department~~—
Boise City I. T. Dec 24th 1868—
To Hon. [illegible]
President of Council Fifth Legislature

Sir—

I have the honor to return herewith ~~to you~~ C. B. No. 3 which I have approved and signed also C. M. No. 4 with my signature attached thereto—

Very Respectfully
Govt. Off. Idh.
D. W. Ballard—
Governor of Idaho Territory—

On Motion of Mr. Anderson the Rules were suspended and the Council accepted the invitation of the House to meet in Joint Convention at 11 o'clock A. M.—

Mr. Vance from Select Committee on Divorce Case of Mr. Mack reported as follows

Majority Report
Mr. President—

Your Special Committee to whom was referred C. B. No. 11 dissolving the bonds of matrimony between Charles A. Mack and Catharine Mack hereby report that they have duly considered the same and have examined into the facts of the said case and a majority of the Committee hereby report the same back and recommend its passage all of which is most respectfully submitted

Vance, Anderson
~~Chairman~~ —

Message from the House—

House of Representatives
Boise City Dec 26th 1868—

Mr. President—

I am instructed to inform your Honorable Body, that the House has had under consideration and passed— C. B. No. 16— an act amendatory of an act relating to crimes and punishments

Henri F. Lays -
Chief Clerk
House of Representatives -

Mr. Emery from Special Committee on divorce case asked for further time to make a minority report - and on motion of Mr. Anderson further time was granted -

The President announced that he was about to sign H. M. No. 2 - H. B. No. 3. H. B. No. 4 - and H. B. No. 8 -

On motion of Mr. Anderson the Council adjourned to meet the House in Joint Convention

Hall of House of Representatives
In Joint Convention -

President of the Council in the Chair -

Roll called Quorum Present

The President introduced Col. J. O. Hudnutt Chief Engineer of the C. & N. R.R. who proceeded to address the Convention upon matters appertaining to Railroads &c -

On motion of Mr. Hartley a vote of thanks of the Convention was tendered to Col. J. O. Hudnutt

On motion of Mr. Anderson the Convention dissolved and the members of the Council returned to the Council Chamber -

In Council -

President in the Chair -

Roll called - Quorum Present -

Mr. Allen pursuant to notice introduced C. B. No. 20. An Act to provide for the redemption of and prescribing the manner of redeeming the outstanding warrants drawn upon the treasurer of Boise County and further to provide for the payment of all the current expenses of said Boise County — Read 1st and 2d times and on motion of Mr. Allen the Rules were suspended and the Bill referred to a Special Committee consisting of the Boise Delegation —

Mr. Yantis offered the following Resolution which on motion of Mr. Ensign was adopted

Resolved:

By the Council that a Committee of two members from the Council be appointed to wait upon Col. Hudnutt and request a copy of his address to the Joint Convention of the Legislature for publication. Whereupon the President announced the appointment of Messrs. Yantis and Hadley —

Mr. Allen on leave introduced C. B. No. 21 — An Act to create a contingent fund and to provide for the transfer of certain monies thereto and to provide for the payment of the compensation of the members and attaches of the Fifth Session of the Legislative Assembly — read 1st and 2d times and on motion of Mr. Yantis the Rules were suspended and Bill referred to Judiciary Committee —

Mr. Vance on leave introduced C. B. No. 22. An Act to suppress Houses of Ill Fame read 1st and 2d times and on motion of Mr. Hadley the Rules were suspended and Bill referred to Special Committee on Revenue — .

Mr. Allen was excused from serving on the Special Committee to investigate the Books and papers of the Territorial Controller and Treasurer — and Mr. Vance appointed in his stead —

Mr. Anderson moved to reconsider the vote by which House amendments to C. B. No. 7 were adopted —
Motion carried

Mr. Ensign moved that the further consideration of C. B. No. 7 — be postponed and made the special order of Monday 11 o'clock a. M —

Ayes and Nays being called —
Ayes — Messrs. Bunker, Ensign, Vance,
Mr. President — 4 —
Nays — Messrs. Allen, Anderson,
Dudley, Howard, Yandle 5 —
Absent — Mr. Reid — 1
So the motion to postpone was lost —

Mr. Anderson moved that the Council concur in House amendments to C. B. No. 7 —
Ayes and Nays being called —

Ayes Messrs. Allen, Anderson, Bunker,
Dudley, Howard Yandle — 6 —
Nays Messrs. Ensign Vance and
Mr. President — 3 —
Absent Mr. Reid — 1
So the Council concurred —

On motion of Mr. Ensign, the Council adjourned —

Taylor
President Council

Twenty second Day

Council Chamber
Boise City, I. T.
Decr. 28, 1868.

Council met pursuant to adjournment.

President in the Chair -

Roll Called Quorum Present -
Absent Messrs. Dudley, Ensign -
Vance -

Prayer by the Chaplain

Journal of Saturday read and approved -

Communication from Boise Lodge No. 2. A. F. and A. M. as follows -

Masonic Hall of
Boise Lodge No. 2. A. F. A. M.
Boise City I. T.

At a regular meeting of this Lodge held Dec 26th 1868 - It was Resolved that the thanks of this Lodge be and the same are hereby presented to the Council of the Legislative Assembly of the Territory of Idaho for the use of this Hall on this day and date -

I hereby certify the foregoing to be a true and correct copy of the Resolution passed in Open Lodge this 26th day of December A.D. 1868 -

In testimony whereof I have hereunto set the seal of said Lodge on the day and date above written

L.S.

By order of the W. M -
E. W. C[illegible]
Secretary -

To the President of the Council -

Mr. Howard gave notice that he would at an early day introduce a Bill to provide for the conveyance of mining claims —

On Motion of Mr. Paul and by unanimous consent the Secretary was instructed to erase the figure "8" and insert the figure "6" in the 9th line of section 4 of C. B. No. 14 — an Act concerning persons in custody under sentence of imprisonment so as to make it read "1866" instead of "1868" —

Bill read 3d time as amended
The question being "Shall the Bill pass"
Role called —
Ayes — Messrs. Allen, Anderson, Bennet, Howard, Paul, Vance, Yantis and Mr. President — 8 —
Nays — None —
Absent, Messrs. Hadley and Ensign — 2
So the Bill passed —

Mr. Yantis from Enrolling Committee reported as follows —

Mr. President —

The Committee on Enrolled Bills have the honor to report that they have examined C. B. No. 10 — C. M. No. 2 — and C. C. R. No. 10 and find them correctly enrolled —

Mr. Yantis from Special Committee to procure copy of Col. J. C. [illegible] address, reported as follows:

Mr. President —

The Special Committee appointed to wait upon Col [illegible] and request a copy of his address to the Joint Convention of the Legislature have the honor to report that they have performed their duty and that the Col. promptly furnished the copy for publication —

Mr. Anderson from Committee to whom was referred C. B. No. 21 reported as follows:

Mr. President —

Your Committee to whom was referred C.B. No. 21 - An Act to create a contingent fund and to provide for the transfer of certain monies and to pay members and attaches of the 5th Session of the Legislative Assembly hereby report back a Substitute for the same and recommend its immediate passage -

All of which is respectfully submitted

On Motion of Mr. Anderson the Substitute for C.B. No. 21 - as reported by Special Committee was adopted -

On Motion of Mr. Anderson the Rules were suspended Council Substitute for C.B. No. 21 was considered engrossed and read 3d time

The question being "shall the Bill pass"

Roll Called -

Ayes. Messrs. Allen, Anderson, Brunner, Howard, Paul, Vance, Yantes and Mr. President - 8

Nays - None

Absent Messrs. Dudley and Ensign - 2

So the Substitute to C.B. No. 21 - passed -

The President announced that he was about to sign C.M. No. 2 & C. R. No. 10 and C.B. No. 10 -

Message from the House -

House of Representatives
Boise City Dec 28. 1868

Mr. President -

I am instructed to inform your Honorable Body that the House has had under consideration and passed C.B. No. 15 An Act to amend an Act entitled An Act creating the Board of County Commissioners also H.B. No. 18 An Act providing for County Seals &c -

Henri F. Leary.
Chief Clerk H.R.
House of Representatives

On Motion of Mr. Paul the Council adjourned—

J. S. Taylor
President Council

Geo. Ainslie
Secretary

Twenty-third Day

Council Chamber
Boise City, I. T.
Dec. 29th 1868

Council met pursuant to adjournment—

President in the Chair—

Roll Called— Quorum Present
Absent Mr. Anderson—

Prayer by the Chaplain—

Journal of Yesterday read and approved—

Mr. Howard pursuant to notice introduced C. B. No. 23—"an Act to provide for the conveyance of mining claims," read 1st and 2d times and on motion of Mr. Ensign — The Rules were suspended and Bill referred to Judiciary Committee—

Mr. Penner pursuant to notice introduced C. B. No. 24—"an Act fixing the salaries and fees of certain officers in Boise County" read 1st and 2d times and on motion of

Mr. Vance the rules were suspended and Bill referred to a Special Committee consisting of the Boise Delegation—

Mr. Yantis from Committee on Enrolled Bills reported as follows:

Mr. President—

The Committee on Enrolled Bills have the Honor to report that they have examined C.B's. Nos. 7. 15 & 16 and find them correctly enrolled—

Also— ~~D~~

The Committee on Enrolled Bills have the honor to Report that they presented to Gov. D. W. Ballard for his approval C.C.R's. Nos. 5 and 10 also C.M. No. 2 and C.B. No. 10 Dec. 28th 1868 at 12 o'clock M.—

Yantis Chairman—

Mr. Anderson from Joint Committee on Revenue reported as follows:

Mr. President—

Your Joint Committee appointed under C.C.R. No. 8 to revise and report a Revenue Law have the honor to report that they have performed that duty and submit the Bill prepared by the Committee—

Joint Committee { Anderson and Bunney
on the part of the Council
McGrew, Kelley and Hart—
on the part of the House—

On Motion of Mr. Dudley the rules were suspended the reading of C.B. No. 25 at length was dispensed with— Bill read 2d time by title and ordered printed—

Mr. Emery in pursuance to notice submitted the following:

Minority Report—

The undersigned a minority of the Committee to whom was referred C.B. No. 17 providing for the dissolution of the bonds of matrimony existing between Emil Hoack and Catharine—

viack respectfully report that in the opinion of the undersigned proceedings for the purpose of obtaining divorces are not proper subjects of Legislative Action but should in all cases be left to the Courts of the Country for adjudication—

The undersigned will state briefly a few of the many reasons for this opinion—

1st From the very nature of the organization of a Legislative Body they are entirely unfitted to exercise Judicial functions and are unprovided ~~with~~ the machinery necessary for the thorough investigation of cases which require care and deliberation the procuring of testimony from a distance and the examination of many witnesses whereas the Courts of the Country are so organized that they can take the time and use the means necessary for the most thorough an searching investigation ~~into~~ the merits of the cases submitted to them—

2d By the Laws of this Territory and many of the States of the Union all property accumulated after marriage by the husband and wife, or by either of them, becomes the common property of the husband and wife, and in all the States it is the custom of the Courts in dissolving the bonds of matrimony to divide the property held by the parties equitably between them always favoring the party who is least guilty and also to make provision for the maintenance and education of the children of the parties, whereas from the very nature of the powers belonging to a Legislative Body they can not divide the property belonging to the parties for the maintenance of the wife or the support and education of the children—

3d If the Legislature once assume the jurisdiction of proceedings intended for the purpose of dissolving the bonds of matrimony they can not hereafter consistently refuse to take cognizance of all applications for the same purpose and the time absolutely necessary for the purpose of Legislation will be frittered away in investigating matters of private concern which can be more thoroughly investigated in, and which properly belonging to, the District Courts of the Territory—

For these and many other reasons the undersigned begs leave respectfully to recommend that C. B. No. 17 be not passed and that the Council adopt the following resolution—

Resolved

That it is the sense of this Council that proceedings for the purpose of dissolving the bonds of matrimony are in the nature of Judicial proceedings and their adjudication belong to the Judicial and not the Legislative branch of the government—

T. E. Ensign—

On motion of Mr. Anderson C. B. No. 17 was made the special order of tomorrow, at 2 o'clock P.M.

H. B. No. 13 was taken up, read 1st and 2d times and on motion of Mr. Bunner the Rules were suspended and Bill referred to Judiciary Committee

Message from the Governor—

Executive Department
Boise City I. T. Dec 28th 1868—

To Hon. [illegible]
President of Council
Idaho Legislature

Sir:

I have the honor to return herewith C. B. No. 10 which I have approved and signed—also C. C. Rs Nos 5 and 10 and C. M. No. 2 which I have requird—

Very Respectfully
Your Obt. Svt.
D. W. Ballard—
Governor of Idaho Territory

Message from the House—

House of Representatives
Boise City Dec. 28th 1868

Mr. President—

I am instructed to inform your Honorable Body that the House have had under consideration and passed Substitute for C. B. No. 2 "An Act to authorize the Territorial Treasurer to transfer certain monies &c—

Henri F. Layn—
Chief Clerk—
House of Representatives—

Mr. Allen offered the following resolution—

Resolved—

By the Council of the Legislative assembly that the Judiciary Committee of the Council be and they are hereby directed to examine and report as to whether or not H. Crane the present acting Controller of the Territory is allowed to hold said position under section 8 of the organic act—

On motion of Mr. Dudley the Resolution was adopted—

On motion of Mr. Howard the Rules were suspended and C. B. No 8 referred to Judiciary Committee

On motion Council took a recess until 2 o'clock P.M.—

Afternoon Session 2 o'clock P.M.—

President in the Chair

Roll Called Quorum. Present
Absent Messrs. Anderson, Dudley and Vance

On motion of Mr. Paul a call of the Council was ordered—
Absent Messrs. Anderson, Dudley and Vance—

On motion of Mr. Allen further proceedings under the call were dispensed with—

Message from the House—

House of Representatives.
Boise City 29th Dec 1868.
Mr. President—
I am instructed to inform your Honorable Body that the House have had under consideration and passed C. B. No. 9. To pay counsel necessarily employed to defend Revenue cases &c also H. M. No 4 praying the establishment of certain mail routes &c all of which are herewith transmitted—

Henri F. [illegible]
Chief Clerk—
House of Representatives

H. M. No 4 taken up read 1st & 2nd times and on motion of Mr Vance the Rules were suspended. Memorial read 3rd time The question being shall the Memorial be adopted Roll Called
Ayes Messrs Allen Anderson Brunner Dudley Ensign Howard
Paul Vance Pautis Mr President — 10
Nays. — None. So the Memorial was adopted

On motion of Mr Anderson the Council adjourned—

J. K. Taylor
President Council

Geo. Ainslie
Secretary

Twenty Fourth Day

Council Chamber Boise City I.T.
Dec 30th 1868

Council met pursuant to adjournment the President in the Chair- Roll called- Quorum present- Absent Messrs Anderson & Dudley

Prayer by the Chaplain-

Journal of yesterday read and approved-

Mr Anderson gave notice that at some future day he would ask leave to introduce a Bill to amend the Civil Practice Act-

Mr Ensign from Judiciary Committee reported as follows

Mr President

Your Committee on Judiciary to whom was refered C.B. No 8. have had the same under consideration and herewith refer the same back and recommend its passage

Mr Vance offered the following C.C.R.

Resolved

By the Council, the House Concurring that the Special Committee to whom was refered the examination of the Books of the Territorial Treasurer and Controller be empowered to employ one expert to assist said Committee to examine said Books, and that such Expert be paid from the Territorial Treasury

On motion of Mr Yantis the Rules were suspended. C.C.R. No 13. Considered engrossed- read 3rd time and placed upon its passage- Roll called

Ayes Messrs Allen Anderson Bunner Ensign Howard
Paul Vance Yantis Mr President - 9
Nays - None
Absent - Mr Dudley- So the Resolution was adopted

On motion of Mr Ensign the Council took a recess until 2 O'Clock P.M.

Afternoon Session 2 O'Clock P.M.

President in the Chair- Roll called- quorum present- Absent Mr Paul.

On motion of Mr Ensign further action on C.B. No 17. was postponed until tomorrow at 2 O'Clock P M

- Message from the House -

House of Representatives Boise City Dec 30/68

Mr President

I am instructed to inform your Honorable Body that the House has had under Consideration and passed C.C.R. No. 13. to authorize Committee of examination of Controller and Treasurers Book to employ an Expert - Also that they have passed H.B. No 18. An Act to amend An Act relative to Elections both of which are herewith transmitted

Henri F Sayres
Chief Clerk
House of Representatives

House Bill no 18 taken up read 1st and 2nd times and on motion of Mr Anderson the Rules were suspended Bill refered to Judiciary Committee with the Councilman from Ada County added to the Committee

Mr Yantis from Committee on Enrolled Bills reported as follows

Mr President

The Committee on Enrolled Bills has the honor to report that they have compared C.B.s No 9. & 21 and find them correctly enrolled

Mr Anderson from Special Committee on Revenue reported C.B. No 22 back and recommended that further action be postponed until the Special Committee on Revenue Laws report and action taken on the Bill reported by them.

Mr Anderson gave notice that at some future time he would introduce a Bill in regard to Public and County Roads

Mr Vance offered the following Resolution - Resolved

By the Council that a Committee of two be appointed to wait upon the Territorial Secretary and enquire what has been done in regard to procuring from the Government the pay of Members and attaches of the Fifth Session of the Territorial Legislature

On motion of Mr Anderson the Resolution was adopted whereupon the President announced the appointment of Messrs Vance and Yantis said Committee ...

On motion of Mr Anderson the Council adjourned.

S Taylor
President Council

Geo Ainslie
Secretary

Twenty-fifth Day,

Council Chamber.
Boise City, I. T.
Dec. 31st 1868.

Council met pursuant to adjournment, President in the chair — Roll called — Quorum present — Absent Meſsrs Dudley and Paul.

Journal of yesterday read and approved.

Mr. Bunner pursuant to notice introduced C. B. No. 26. An act to amend an Act creating the Office of District Attorney in each District of the Territory of Idaho approved January 10th 1866 — Read 1st and 2d times and on motion of Mr. Bunner the rules were suspended and the Bill referred to the Judiciary committee.

Mr. Bunner from Special committee of Boise Delegation reported a substitute for C. B. No. 24 and on motion of Mr. Allen the substitute was adopted.

On motion of Mr. Vance the rules were suspended the substitute for C. B. No. 24 an act fixing the salaries and fees of certain Officers in Boise County was considered engrossed, read 3d time.

Mr. Vance having unanimous consent of council moved to strike out sec. 4 of the Substitute for C. B. No. 24 — Motion prevailed.

The question being shall the Bill pass — Roll called — Ayes Meſsrs. Allen, Anderson, Bunner, Ensign, Howard, Vance, Martin and Mr. President. 8 — Nays — None.

Absent — Meſsrs Dudley and Paul 2. so the Bill passed.

Meſsages from the House.

House of Representatives
Boise City 30th Dec. 1868.

Mr. President: —

I am instructed to inform your honorable body that the House has had under consideration and passed C. B. No 18. An Act to amend an act entitled an Act to authorize the Commissioners of Boise Co to levy and collect a special Tax approved Jany 12th A.D. 1866 – Also Council M. No 6. for branch Rail Road.

Both of which are herewith transmitted.

Henri F. Sayre
Chief Clerk
House of Representatives.

House of Representatives
Boise City, Dec 31st 1868.

Mr. President.

I am instructed to inform your Honorable Body that the House has had under consideration and passed C. B. No 14, An act concerning persons in custody under sentence of imprisonment – which is herewith transmitted

Henri F. Sayre
Chief Clerk
House of Representatives.

Mr Yantis offered the following Resolution which was adopted.

Resolved that the Sergt. at arms be instructed to furnish to his Excellency Governor D. W. Ballard printed copies of all Bills Memorials &c as soon as practicable after they have been printed.

The President announced that he was about to sign C. B. Nos 9 + 21

Message from the Governor.

Executive Department
Boise City I. T. Dec 31st 1868.

To Hon. J. S. Taylor, Presdt
Council Idaho Legislature

Sir

I have the honor to return herewith C. B. No 15 + 16 which I have signed and approved

Very Respectfully
Your Obdt Servt
D. W. Ballard
Govr of I. T.

Mr. Yaulis from committee on enrolled bills reported as follows:

Mr. President the Committee on enrolled bills have the honor to report that they have compared C. B. No 18 and C. C. B. No 13 and find the same correctly enrolled.

On motion of Mr Anderson the Council took a recess until 2 o'clock P.M.

Council reassembled at 2 o'clock P. M. President in the chair.

Roll called and quorum present - Absent Mess Dudley, Lane and Vance.

Mr Allen asked leave of absence for the Sergeant at Arms for one day. Leave granted.

On motion of Mr Anderson C. B. No 17. was made the special order for Saturday at 2 o'clock P.M.

Mr Bunner on leave introduced C. B. No 27. An act releasing Mathias Zapf from liability under a judgment rendered on a forfeited recognizance a Bail Bond of one Joseph Lucas, where it appears that said Lucas was dead before the term of court at which he was to appear. Read 1st & 2d time and on motion of Mr Anderson rules suspended and Bill referred to Special Committee consisting of Boise delegation.

The President announced that he was about to sign C. B. No 16 and C. C. B. No 13.

Mr Allen from Special committee consisting of Boise Co delegation reported back C. B. No 26 and recommended its passage -

On motion of Mr Vance the Council adjourned until Saturday Jany 2d 1869 at 11 o'clock A. M.

J V Taylor

Att [illegible]

[illegible]

[illegible]

Council Chamber
Boise City, I.T.
Jany 2d 1869.

Council met pursuant to adjournment

President in the Chair—

Roll Called—Quorum Present—
Absent Messrs. Hadley and Paul—

Journal of yesterday read and approved

Mr. Bunn pursuant to notice introduced C.B. No. 86—an Act to amend An Act creating the Office of District Attorney in each District of the Territory of Idaho approved January 18th 1866—read 1st and 2d times and on motion of Mr. Bunn the Rules were suspended and the Bill referred to Judiciary Committee—

Mr. Bunn from Special Committee of Boise delegation reported a substitute for C.B. No 24 and on motion of Mr. [illegible] the substitute was adopted—

On motion of Mr. [illegible] the Rules were suspended the substitute for C.B. No. 24 "An Act [illegible] the Salaries and fees of certain officers in Boise County" was considered engrossed read 3d time

Mr. [illegible] moved to [illegible] amendments of the Council [illegible] moved to strike out section 4 of the substitute for C.B. No 24 motion prevailed—

The question being shall the Bill pass—

Roll Called—
Ayes—Messrs. Anderson, Bunn

[illegible]

[illegible]
Sergeant at Arms fr[illegible] [illegible]

On motion of Mr. [illegible] No. 1[illegible]
was made the Special [illegible]
at 2 o'clock P.M.—

Mr. Bannon [illegible]
C.B. No. 27. An Act, [illegible] in
Idaho from liability [illegible]

a bail bond [illegible]
where it appears that [illegible]
plead before the [illegible]
he was to appear [illegible]
and on motion of [illegible]
the Rules were [illegible]
referred to Special [illegible]
of Boise [illegible] —

The President [illegible]
was about to [illegible]
C.C.R. No. 13—

Mr. Allen [illegible]
consisting of the [illegible]
reported back C.B. [illegible]
its passage—

On motion of [illegible]
Council adjourned [illegible]
January 2[illegible] [illegible] M.—

The following Message was received from the Governor,

Executive Department
Boise City Idaho Territory
December 21st 1868.

To Hon E. T. Beatty
Speaker of House
Idaho Legislature

Sir, I have the honor to return herewith, House Bills No 3-4 & 8. which I have approved and signed.
Also House Memorial No 2, which I have signed.

Very Respectfully
Your Obdt Servt
D W Ballard
Governor of Idaho Territory

Mr McGrew, from the Committee on Engrossed Bills offered the following Report ~

Mr Speaker,
The Committee on Engrossed Bills to whom was referred H B. No 18 - "An Act to Amend An Act in relation to Elections, approved Decr 17th 1864, and amended and approved January 9th 1867, have examined the same and found it correctly Engrossed, and herewith transmit it to the Clerk of the House.

McGrew
Chairman

Mr McGinn, from the Committee on Counties and County Boundaries offered the following Report

Mr Speaker,

The Committee on Counties and County Boundaries to whom was referred H. B. Substitute No 114 "An Act to amend the Act creating offices in the Territory of Idaho, and filling vacancies [illegible] have had the same under consideration, and recommend its passage.

[illegible]

Chairman

Mr Goodenough, from the Committee on Enrolled Bills offered the following Report,

Mr Speaker, The Committee on Enrolled Bills have examined and found correctly Enrolled H. Mem. No 12. "Memorializing Congress for an appropriation to survey the boundaries of Nez Perce Indian Agency". Also H. B. No 3 "An Act to amend the Act to protect Sheep and Swine, and [illegible] against the ravages of Dogs." Also H. B. No [illegible] "An Act to change the name of F. H. Busnell to F. H. Bunard". Also H. B. No 64 "An Act to repeal an Act for the protection of Game in Ada County, and on the 26th day of December 1868 at 2 o'clock P.M., presented the same to the Governor for his approval.

C. C. Goodenough

Chairman

Twenty Seventh Day -

Council Chamber Boise City
I. T. Jany 2nd 1869.

Council met pursuant to adjournment -

The President in the Chair

Roll Called - Quorum Present -
[illegible] Messrs. Anderson, Brunner, Hudly

[illegible] by the Chaplain -

[illegible]rnal of Thursday read and approved

[illegible]ge presented a petition from the
[illegible] Jordan Valley, Owyhee County
[illegible] for a reduction of toll on
[illegible] Skinner Tolltoll Road which
[illegible] and placed on file -

[illegible] from Committee on
[illegible] Bills reported as follows:
Mr. President
The Committee
[illegible] Bills have the honor to
[illegible] that they presented to Governor
[illegible]llard for his approval C. F. B.
[illegible] H. No. 13 Dec. 31st 1868
[illegible]ock P. M. -

[illegible] from Special Committee
[illegible] to examine Territorial Treasurer
[illegible] Books reported verbally
[illegible] Committee had been unable
[illegible] an expert to assist in an
[illegible] of the books of said Office -

[illegible] Mr. Pierce the Council
[illegible] subject to the call of the
[illegible];

[illegible]rnal Witnessed -

Mr. Vance on leave offered C. C. R. No. 14 Authorizing the Special Committee appointed to examine the Books of the Territorial Controller and Treasurer to employ two experts to assist in such examination and providing for the pay of said experts—

Read first and second times and on motion of Mr. Allen the Rules were suspended the resolution considered engrossed read 3rd time and placed upon its adoption—

Roll Called—

Ayes—Messrs. Allen, Anderson, Howard
Paul, Vance, Yantis and
Mr. President — 7

Nays—None—

Absent Messrs. Brunner Dudley
Ensign — 3

So the Resolution was adopted—

Mr. Anderson from Special Committee to prepare revenue Law reported as follows:

Mr. President—

Your Special Committee appointed to prepare a Revenue Law, to whom were referred C. B. Nos. 6 and 13 in regard to taxing foreign miners hereby report that the said Bills have already been incorporated in the Revenue Law heretofore reported by this Committee and there being no further use to consider the same the Bills are hereby reported back and we recommend that the same be laid on the table—

Mr. Anderson pursuant to notice introduced C. B. No. 28— An Act to repeal an act entitled an act, relative to County Officers &c. approved February 4th 1864—

Read 1st and 2d times and on motion of Mr. Yantis the Rules were suspended and Bill referred to Judiciary Committee

Mr. Anderson gave notice that at some future day he would introduce a Bill in regard to incorporations—

Mr. Paul from Engrossing Committee reported C. B's Nos. 1 and 20 correctly engrossed—

Mr. Anderson pursuant to notice introduced C. B. No. 29 an Act to amend an Act entitled an act to regulate proceedings — in civil cases in the courts of Justice ~~in~~ of the Territory of Idaho approved Dec. 15th 1864 and the act amendatory thereto approved Jan. 12th 1866

On motion of Mr. Anderson the Rules were suspended the reading at length of the bill dispensed with—read 2d time by title referred to Judiciary Committee and ordered printed—

Message from the Governor—

Executive Department
Boise City I. T. Dec. 31st 1868—

To Honorable J. S. Taylor
President of Council
Idaho Legislature
Sir—

I have the honor to acknowledge receipt of substitute for C. B. No. 7 which I have approved and signed—

Very Respectfully
Your obt. Servt.
D. W. Ballard—
Governor of Idaho Territory—

Executive Department
Boise City, I. T. Jan. 2d 1869—

To Hon. J. S. Taylor
President of Council
Idaho Legislature—
Sir:

I have the honor to return herewith C. B. No. 7—which I have approved and signed also C. C. R. No. 13—which I have signed—

Very Respectfully
Your Obt. Servt.
C. W. Ballard—
Governor of Idaho Territory—

On motion of Mr. Allen the Council took a recess until 2 o'clock P. M.—

Council Reassembled 2 o'clock P. M.

President in the Chair—

Roll Called—Quorum Present—
Absent—Mr. Paul—

Mr. Anderson moved that C. B. No. 17 which was made the special order of today at 2 o'clock P. M. be laid upon the table—

Mr. Allen called for the Ayes and Nays—

Ayes. Messrs. Anderson, Benner, Hadley,
Vance, and Mr. President—5
Nays Messrs. Allen, Ensign, Leonard, and
Gantz; Absent Mr. Paul 1

So the Bill was laid on the table

Mr. Gantz from Committee on Enrolled Bills reported as follows:
Mr. President
The Committee on Enrolled Bills have the honor to report that they have examined C. B. No. 6. and find it correctly enrolled—

Mr. Ensign from Judiciary Committee reported H. R. No. 18 back without recommendation also C. B. No. 26 and recommend its indefinite postponement—

The Judiciary Committee also reported

as to the eligibility of H. Cram to the Territorial Controllership. Whereupon on motion of Mr. Dudley said report ~~said report~~ was recommitted to the Judiciary Committee

The President announced that he was about to sign C. M. No. 4

Message from the House

House of Representatives
Boise City Jan. 2d 1869—

Mr. President—

I am instructed to inform your Honorable Body that the House has had under consideration and adopted C. C. R. No 4 Relative to the Committee to examine the Books of the Territorial Treasurer and Controller employing two experts &c.

H. B. No. 25. Relative to the appropriations of certain school monies

Which is herewith transmitted
Henri F. Lay—
Chief Clerk—
House of Representatives

H. B. No. 25 taken up read 1st and 2d time and on motion of Mr. Anderson the Rules were suspended and the Bill referred to the Committee on Education with the Councilmen from Ada added thereto—

General File—

C. B. No. 8 An Act for the removal of County Seat of Idaho County—
Read 3d time

The question being shall the Bill pass the
Roll Called—

Ayes— Messrs. Allen, Anderson, Bunn, Dudley, Ensign, Howard, Paul, Vance, Yantis.

and Mr. President—10
Nays—None—
So the Bill passed—

C. B. No. 20 taken up read 3d time and on motion of Mr. Brunner the Bill was recommitted to the Boise Delegation and ordered printed—

Mr. Ensign from the Judiciary Committee and the Councilmen from Ada to whom was referred H. B. No 18 reported the same back and recommended its passage.

H. B. No. 13 taken up read 3d time and recommitted to the Judiciary Committee.

H. B. No. 18 An Act to amend An Act entitled An Act to amend An Act Relative to elections approved Dec 17th 1864 and amended and approved Jan. 7th 1867 On motion the Rules were suspended Bill considered engrossed read 3d time—

The question being Shall the Bill pass—

Ayes. Messrs. Allan, Anderson,
Brunner, Dudley, Ensign,
Howard, Poole, Vance,
Yantis and Mr. President—10
Nays. None—
So the Bill passed—

Mr. Ensign from Judiciary committee reported as follows:

Mr. President,

The Committee to whom was referred H. B. No. 13 have had the same under consideration and herewith report it back with amendments and recommend the adoption of the amendments and the passage of the Bill

On motion of Mr Ensign the

as follows:

"Amend by striking out all of Section First and all of Section Second after the word "Money" in the Fourth line of said Second Section and inserting in lieu thereof the words "in the general fund of said County."

Mr. Dudley further amended H.B. No 13 by striking out all after the words "and" in the enacting clause and insert "Legalizing certain acts of the various County Clerks of the Territory" and also number the sections correctly consecutively. On motion the amendments were adopted.

The question being shall the Bill pass

Ayes. Messrs. Allen, Anderson,
Bunner, Dudley, Ensign,
Paul, Vance, Hunter and
Mr. President = 9

Nays. ~~[illegible]~~ Mr Howard. 1

So the Bill passed.

On Motion of Mr. Bunner the Council adjourned until Monday 11 o'clock A.M.

J. S. Taylor
President of Council

Geo. Ainslie
Secretary

Twenty Ninth Day

Council Chamber

Boise City I. T. Jany 4th 1867

Council met pursuant to adjournment.

The President in the Chair.

Roll called members all present.

Prayer by the Chaplain.

Journal of Saturday read and approved—

Message from the Governor—

Executive Department—
Boise City, I. T. Jan. 4. 1869—

To Hon. I. S. Taylor
Presdt. of Council
Idaho Territory

Sir.

I have the honor to present herewith Substitute for C. B. No. 21 and C. M. No. 16 which I have approved and signed—

Very Respectfully
Your Obt. Servt.
D. W. Ballard
Governor of Idaho Territory—

Mr. [illegible] on leave introduced C. B. No. 38. An Act concerning religious, social, benevolent and charitable associations read 1st and 2d times and on motion of Mr. Ensign the Rules were suspended and Bill referred to Committee on Incorporations—

The President announced that he was about to sign C. B. No. 14 and C. M. No. 6—

Mr. Clark from Committee on enrolled Bills reported C. B. No. 14 correctly enrolled—

Mr. Vance from Special Committee presented the account of Wells Fargo & Co. for freight on books which was read and placed on file—

Mr. Ensign from Judiciary Committee reported C. B. No. 28 back to the Council and recommended its passage—

On motion of Mr. Ensign C. B. No. 26—

was recommitted to the Judiciary Committee

Mr. Ensign from the Judiciary Committee reported back to the Council a substitute for C. B. No. 26 and recommended the adoption and passage of the Substitute

Mr. Dudley moved to suspend the Rules and reconsider the vote by which the report of H. C. Street Special Commissioner was ordered printed—motion prevailed—

Substitute for C. B. No. 26 was taken up read 1st & 2d times and on motion of Mr. Ensign the substitute was adopted and ordered engrossed—

On motion of Mr. Vance the Council took a recess until 2 o'clock P. M.—

Council Reassembled—
2 o'clock P. M.—

President in the Chair—

Roll Called—Members all present—

Message from the House—

House of Representatives
Boise City, Jan. 4th 1867—

Mr. President—

I am instructed to inform your Honorable Body that the House has had under consideration and passed H. C. R. No. — granting leave of absence to Geo. Taylor also H. B. No. 32 granting leave of absence to Dr. Hughes both of which are herewith transmitted

Also that the House has concurred in Council amendments to H. B. No. 13

Also that by resolution adopted, the Council is requested to return H. B. No. 26 An Act to provide for appropriating certain school monies for the further consideration of the House—

H. F. Layes.
Chief Clerk.
House of Representatives

On motion of Mr. Reed H. B. No. 25 was returned to the House by request of that Body –

Message from the Secretary of the Territory

Secretary's Office
Boise City I. T. Jan. 4th/1869 –

Gentlemen –

In answer to your inquiries relative to the probable time when I would be able to pay the per diem and mileage of members and officers of the Fifth Session of Idaho Legislature –

Permit me to say that on the 23d day of Nov. last I made a requisition upon Hon. Hugh McCulloch for funds for that purpose. Since which I have received no reply –

On the arrival of Judge Kelly at this place I requested him to write to Hon. Senator Corbett (which he did) requesting him to urge the necessity of the immediate transmission of the funds for that purpose – I also sent a dispatch to Secretary McCulloch a few days since stating that I had received no drafts and that the Legislature would adjourn on the fifteenth inst.

Permit me to say that I have no hesitancy in saying that I feel full confidence that I will be able to pay the same on or before the day of adjournment

Very Respectfully
Your Obt. Servt.
S. R. Howlett =
Secretary of Idaho –

[illegible] Gentlemen and Clerks
Committee of Council
Idaho Legislature –

On motion of Mr. Vance the report of the Committee was received and Committee discharged.

Mr. Ensign on leave introduced C. B. No. 31 An Act creating the office of District Attorney for each County in the Territory and defining their duties and providing for their compensation. — Read 1st and 2d times. —
Mr. Anderson moved that the rules be suspended and Bill referred to Judiciary Committee.

Mr. Dudley moved to amend by ordering C. B. No. 31 printed —
Amendment adopted —

The main question was then put as amended. Motion prevailed —

Mr. Vance offered C. J. R. No. 15.
Providing for all printing not authorized by the General Government to be done by J. C. Bail & Co. and providing for the payment thereof — read 1st and 2d times and on motion of Mr. Vance the Resolution was ordered engrossed —

Mr. Vance from Special Committee to whom was referred C. B. No. 27 reported the same back to the Council and recommend its passage —

On motion of Mr. Vance C. B. No. 27 An Act relieving Matthias Joseph from liability under a judgement rendered on forfeited recognizance or Bail Bond of one Joseph Lucas, where it appears that said Lucas was dead before the term of Court at which he was to appear, — was taken up. Rules suspended Bill considered engrossed, read 3d time and placed upon its passage —

The question being shall the Bill pass"
Roll called —
Ayes. Messrs. Allen, Anderson, Bonner,
Dudley, Ensign, Howard,

Paul, Vance, Gantis and Mr. President—10
Nays—None—
So the Bill passed—

On motion of Mr. Paul C. C. R. No. 9 requesting Delegate in Congress to procure Cadetship at West Point for Amos Rockeler Gantis taken up—The Rules were suspended Resolution considered engrossed read 3d time—

The question being Shall the Resolution be adopted—

Roll Called—

Ayes. Messrs. Allen, Anderson, Brunner
Dudley, Ensign, Howard,
Paul, Vance, Gantis
and Mr. President—10
Nays—None—
So the Resolution was adopted—

On motion of Mr. Ensign H. B. No. 6 An Act amendatory of An Act entitled An Act amendatory of An Act entitled An Act ^to amend an act^ for securing Liens to Mechanics and Others—approved December 17th 1864 approved January 18th 1866 approved January 15th A.D. 1867 was taken from the table—

Mr. Vance moved to amend Sec. 1st by striking out therefrom the words "(Placer mining or gravel claims or)" in the 17th line page 1st also the words "Placer mines" in the 23d line of page 1 and the words "or gravel claims and" in the 24th line of page 1—

Upon the adoption of the amendments Roll called—

Ayes—Messrs. Allen, Brunner, Dudley,
Vance, Gantis and Mr. President—6
Nays—Messrs. Anderson, Ensign
Howard, Paul,—4
So the amendments were adopted—

On motion of Mr. Paul the council took a recess for 5 minutes or subject to the call of the President—

Council Reassembled—

Mr. Paul moved to indefinitely postpone H. B. No. 6—

Motion Lost—

Mr. Ensign moved to amend Sec 1st by inserting therein between the first and second words of line 26 on page 1— the words "or purchasing such materials"—

Motion carried—

H. B. No. 6. read 3d time

The question being Shall the Bill pass—

Roll Called—

Ayes— Messrs. Allen, Anderson, Brimmer,
Dudley, Ensign, Howard, Vance,
Banks and Mr. President — 9
Nays— Mr. Paul— — 1
So the Bill passed—

Mr. Banks from Enrolled Bills reported as follows:

Mr. President.

The Committee on Enrolled Bills have the honor to report that they have presented to his Excellency Governor D. W. Ballard for his approval H. B. No. 6 and C. B. No. 14 at 1½ o'clock P. M. Jan 4th 1869—

Mr. Paul from Committee on Engrossed Bills reported C. B's Nos. 26 and 28 and C. C. R. No. 10 correctly engrossed—

On motion of Mr. Vance the Rules were suspended & C. C. R. No. 10 providing for all printing not authorized by the General Government to be done by [illegible] and providing for its payment being read 3d time—

The question being Shall the Resolution be adopted—

Roll Called—

Ayes Messrs Allen, Anderson, Brunner,
Dudley, Ensign, Howard,
Pence, Vanlue and Mr President

Nays Mr Paul—

So the Resolution was adopted—

Mr Paul offered the following—

Mr President—

I hereby resign my position as Chairman of the Committee on printing

On motion of Mr Ensign the Resignation of Mr Paul was accepted—

On motion of Mr Vanlue the Council adjourned—

J S Taylor
President of Council

Geo. Ainslie
Secretary

Thirteeth Day

Council Chamber
Boise City I. T.
Jany 5th 1869.

Council met pursuant to adjournment—

President in the Chair—

Roll called— Members all present—

Prayer by the Chaplain—

Journal of Yesterday read and approved—

Mr Allen offered C. M. No 7

"Praying for an appropriation and Bounty Land to the Volunteers in the Indian Wars of Idaho, read 1st and 2d times and referred to the Committee of the Whole

H. C. R. No. 6. In reference to granting leave of absence to John Taylor Assessor and Ex Officio Tax Collector of Boise County — Read 1st and 2d times and on motion of Hon. Vance was referred to Boise Delegation —

Message from the Governor —

Executive Department.
Boise City, I. T. Jan. 4th 1869.

To Hon. E. T. Taylor
Presdt. of Council
Idaho Legislature

Sir.

I have the honor to return herewith C. B. No. 14 which I have approved and signed — Also C. M. No 6 which I have signed —

Very Respectfully
Your Obt. Servt.
D. W. Ballard —
Governor of Idaho Territory —

H. B. No. 32 Read 1st and 2d times and rules suspended and referred to Councilman from Owyhee —

General File —

Substitute for C. B. No. 20. An Act to amend an Act creating the office of District Attorney in each District of the Territory of Idaho approved January 10th 1866, read 3d time —

The question being "shall the substitute for C. B. No. 20, pass"

Not passed —

Ayes. Briggs, Allen, Anderson, Brunner, Dudley Ensign, Lorraine, Paul, Vance Sandis, Mr. President — 10

Nays- None-
So the Bill passed-

C. B. No ~~11~~ 28 An Act to repeal An Act entitled an act relative to County Officers Approved February 4th A. D. 1864."
Read 3d time-
The question being "Shall the Bill pass"-
Roll Called-

Ayes. Messrs. Allen, Anderson, Bunney,
Dudley, Ensign, Howard,
Paul, Pinney, Waite, and
Mr. President- 10

Nays- None-
So the Bill passed-

Mr. Ensign from Special Committee reported as follows:
Mr. President,
The Councilman from Owyhee County to whom was referred H. B. No. 32 has had it under consideration and herewith report it back and recommend its passage.

On motion of Mr. Ensign the Rules were suspended and H. B. No. 32 An Act granting leave of absence to J. S. Hughes County Commissioner of Owyhee County- Read 3d time
The Question being "Shall the Bill pass-"
Roll Called-

Ayes. Messrs. Allen, Anderson, Bunney,
Dudley, Ensign, Howard, Paul
Pinney, Waite and Mr. President- 10.

Nays- None-
So the Bill passed-

On motion of Mr. Anderson Council took a recess until 2 o'clock P. M.-

Council Reassembled-
2 o'clock P. M.-

President in the Chair

Roll Called—

Absent Messrs. Anderson and Vance—

Mr. Allen moved a call of the Council—

Roll Called—

Absent Messrs. Anderson and Vance— 2

The absent members appearing on motion of Mr. Vantis further proceedings under the call of Council were dispensed with—

Message from the House—

House of Representatives
Boise City Jan. 6th, 1869

Mr. President—

I am instructed to inform your Honorable Body that the House has had under consideration and passed H.B. No. 28 An Act to amend an Act regulating proceedings in civil cases. Also C.B. No. 6 An Act to amend an Act to incorporate Boise City. Also C.C.R. No. 7 Relative to appointment of Officers in the Territory, all of which are herewith transmitted. Also that the House has concurred in Council amendments to H.B. No. 6 An Act relating to Mechanics liens—

Also that the House has amended and passed as amended C.B. No. 8 for removing County seat [illegible] County, and respectfully ask your concurrence therein—the same being herewith transmitted

[illegible]
Chief Clerk.
House of Representatives

The President announced that no appointment to fill vacancy in Printing Committee occasioned by the resignation of Mr. Paul would be made but that Mr. Cantis would act as chairman of said Committee

Mr. Ensign on leave introduced C. B. No. 32 An Act to create a Board of County Commissioners in the Counties of this Territory and to define their duties and powers.—

Read 1st and 2d times and on motion of Mr. Cantis was ordered printed—

Mr. Paul from Engrossing Committee reported C. B. No. 31 correctly engrossed—

Mr. Cantis from Enrolling Committee reported C. ~~B.~~ B. No. 14 correctly enrolled—

Mr. Anderson from Conference Committee reported as follows:

Mr. President—

Your Committee of Conference to whom was referred H. B. No. 1 An Act creating and organizing the County of Lemhi hereby respectfully report that they have been unable to agree respecting the same and they ask that they be discharged and a new committee of conference be immediately appointed

On motion the report was received and adopted and committee discharged—

Whereupon the President announced the appointment of Messrs. Vance, Cantis and Ensign on the part of the Council to confer with a like committee on the part of the House—

On motion of Mr. Hadley C. B. No. 25 was made the special order of tomorrow at 2 o'clock P. M. in committee of the whole—

Mr. Vance from Boise Delegation in reference to granting leave of absence to John Taylor reported the following amendment to H.C.R. No. 6—

"Provided the said absence shall not take place between the first Monday in April and the first Monday of August during his said term of office."

On motion of Mr. Vance the amendment was adopted—

On motion of Mr. Howard the Rules were suspended H.C.R. No. 6 relating to granting leave of absence to John Taylor Assessor and Ex officio Tax Collector of Boise County—read 3d time

The question being "Shall the Resolution be adopted"

Roll Called—

Ayes Messrs. Allen, Anderson, Bunner,
Dudley, Ensign, Howard,
Paul, Vance, Yantis, and
Mr. President— 10

Nays None—

So the Resolution was adopted—

Council took a recess subject to the call of the ~~Chair~~ President

Council Reassembled—

In accordance with C.C.R. No 2 Mr. Ensign in behalf of the Committee reported that they had performed the duty assigned them and reported by Substituting C.C.B. No. 16 locating the Penitentiary of the Territory on the North-East quarter of the North-West quarter of Section No. 13 Township No. 3 North Range No. 2 East of the Boise Meridian of Idaho Territory and providing for the convicts now in prison or hereafter convicted to remain or be kept in the Penitentiary as now provided by law"—

On motion the report was received and Committee discharged. C.C.R. No 16 read 1st and 2d times, and on motion of Mr. Paul the Rules were suspended the Resolution considered engrossed and read 3d time.—

The question being shall the Resolution be adopted

Roll Called—

Ayes. Messrs. Allen, Anderson,
Bunner, Dudley, Ensign,
Howard, Paul, Pence,
Yantis and Mr. President—10

Nays. None—

So the Resolution was adopted

On Motion the Council adjourned—

J S Taylor
President of
Council,

C. D. Austin
Secretary

Thirty First Day
Council Chamber
Boise City I.T.
Jany 6th AD 1869.

Council met pursuant to adjournment

President in the Chair—

Roll Called—Quorum Present—
Absent Mr. Paul—

Prayer by the Chaplain—

Journal of yesterday read and approved—

Mr. Howard from Committee on Enrolled Bills reported as follows:

Mr. President.
The Committee on Enrolled Bills have the honor to report that we have examined C.C.R. No 4 and find it correctly enrolled—

Mr. Ensign from Judiciary Committee reported H. B. No. 11 back and recommend its passage—

Mr. Vance from Joint Committee to whom was referred H. B. No. 1 report that they have arrived at an agreement relating thereto and report the Bill back and recommend the adoption of the amendments and the passage of the Bill when amended

C. B. No. 8 taken up. The amendments as follows: In Section 2d after the words "County," insert before the words "Expenses" "Subject to the approval of the County Commissioners," made by the House was on motion of Mr. Howard adopted—

C. B. No. 8 An Act for the removal of the County Seat of Idaho County read 3d time as amended—
The question being "Shall the Bill pass"
Roll called—
Ayes. Messrs. Allen, Anderson, Bunner, Dudley, Ensign, Howard, Paul, Vance, Yantis and Mr. President—10
Nays. None—
So the Bill passed—

H. B. No. 11 An Act entitled An Act defining the duties of Constables. Read 3d time
The question being "Shall the Bill pass"
Roll called—
Ayes. Messrs. Allen, Bunner, Dudley, Ensign, Howard, Paul, Vance and Mr. President—8
Nays. Messrs. Anderson and Yantis—2
So the Bill passed—

H. B. No. 1 An Act creating and organizing the County of Lemhi taken up
Mr. Ensign moved that the amendments reported by the Committee of Conference be adopted— ayes and nays were called for

Roll call'd

Ayes. Messrs. Allen, Anderson, Brunzel,
Hudley, Ensign, Hand,
Vance, Yantis and
Mr. President — 9

Nays. Mr. Howard — 1

So the amendments were adopted —

Mr. Anderson on leave introduced C. C. R. No. 17 Authorizing Territorial Prison Commissioner to audit and allow certain claims of G. F. Little against the Territorial Prison Fund and the Controller to draw his warrant read 1st and 2d times and on motion of Mr. Hudley the Rules were suspended and the resolution referred to the Finance Committee —

The President announced that he was about to sign C. C. R's Nos. 9 and 14 —

Mr. Vance on leave introduced C. B. No. 30 "An Act entitled an act for the relief of Thomas Foye late Assessor and Tax Collector of Boise County —
Read 1st and 2d times and on motion of Mr. Allen the Rules were suspended and the Bill referred to the Boise Delegation

Mr. Vance on leave introduced C. B. No. 34 "An Act to create a Territorial Prison Commissioner and to provide for the care and safe keeping of Territorial Convicts" Read 1st and 2d times and on motion of Mr. Allen Rules were suspended and the Bill referred to the Judiciary Committee —

Mr. Hudley pursuant to notice introduced C. B. No. 36 "An act to amend an Act entitled an Act to create a Territorial Prison Commissioner and to provide for the care and safe keeping of the Territorial convicts — Read 1st and 2 times and on motion of Mr. Hudley the Rules were suspended ~~referred~~ ~~and the Bill~~ the Bill referred to the

Committee on Territorial Affairs—

Mr. Allen moved that the Council take a recess until 2 o'clock P.M.—

The Ayes and Nays were called for—
Ayes. Messrs. Allen, Anderson, Brunner,
Hindley, Ensign, Paul, Vance
and Mr. President—8—
Nays. Messrs. Howard and Yantis—2—
So the motion carried—

Afternoon Session—
Council Reassembled—
2 o'clock P.M.—

The President in the Chair—

Roll Called—Quorum Present
Absent Messrs. Brunner, Paul and Vance

On motion of Mr. Allen a call of the Council was ordered—

Roll Called—
Absent Messrs. Brunner, Paul & Vance

The absentees appearing, on motion of Mr. Allen further proceedings under the call were dispensed with—

Mr. Yantis from the committee on printing reported that they had compared the printed with the original C. B. No. 25 and find a few errors of but little importance

The hour having arrived for the consideration of the special order the Council resolved itself into a committee of the whole on C. B. No. 25.
Mr. Anderson in the chair—

After considering the special order the committee arose and the Council reported progress and asked leave to sit again—

The report of the Committee was accepted—

Message from the Governor—

Executive Department
Boise City I. T. Jan. 6th 1869—

To Hon. J. S. Taylor }
Prest. of Council }
Idaho Legislature }

Sir,

I have the honor to return herewith Council Concurrent Resolution No. 14 which I have signed

Very Respectfully
Your Obt. Svt.
D. W. Ballard—
Governor of Idaho Territory—

On motion the Council took a recess until 6 o'clock P. M.—

Council Reassembled—
6 o'clock P. M.—

The President in the Chair—

Roll Called Quorum Present—
absent Mr. Bennet—

The Council resolved itself into committee of the whole to resume the consideration of C. B. 26. 25
Mr. [illegible] in the Chair—

After considering same, Committee arose and

In Council

Reported progress and asked leave to sit again ~~[illegible]~~ at 2 o'clock P. M. tomorrow

On motion the report of the Committee was received and leave granted—

On motion of Mr. [illegible] the Council adjourned—

J. S. Taylor Prest of Council

Geo Ainslie Secretary—

Thirty Second Day
Council Chamber
Boise City I. T.
January 7th 1869.

Council met pursuant to adjournment—

President in the chair—

Roll Called—Quorum Present—
Absent Mr. Paul—

Prayer by the Chaplain—

Journal of yesterday read and approved—

Mr. Ensign, on leave, introduced C. M. No. 8 Praying for the establishment of a United States Mail between the town of Silver City and the town of [illegible] in the County of Owyhee and Territory of Idaho. Read 1st and 2d times.—On motion of Mr. Ensign the Rules were suspended and the memorial ordered printed.

Message from the Governor with accompanying documents—

Executive Department,
Boise City, I. T. Jan. 7th 1869—

To J. S. Taylor
Presd. of the Council
and Hon. E. T. Beatty,
Speaker of the House,
Idaho Legislature:

Sirs:

Mr. Charles Ostner a citizen of Boise County as will be seen from accompanying documents herewith transmitted, has presented to the people of Idaho Territory, through the Executive Department, a Bronze "Equestrian Statue of General George Washington, the Father of the American Republic"—

To produce this Statue Mr. Ostner has employed his leisure hours during the past four years. The materials, as well as the utensils, used in creating this noble representation, are entirely of Idaho growth and manufacture.

As a work of art it possesses merit of the highest order, and should be for this, if for no other reason carefully preserved by the people of this young and growing Territory not only as a memento of the talents and generous donor but also to perpetuate the memory of his immortal model.

In behalf of the people of the Territory, I have accepted the Statue from Mr. Ostner. A due regard to the generous motives of the donor, and the memory of the great and good man whom the artist has chosen as the subject of his chisel, alike demand that it should be inaugurated with proper and imposing ceremonies.

As the members of the Legislative Assembly are the more immediate representatives of the people of the Territory, I have thought it appropriate that the presentation should be made directly to you as such representatives and for that purpose I have selected Hon. John R. McBride, Late Chief Justice of the Territory to make a formal presentation of the same, at such time as may be convenient to your Honorable Bodies.

I would suggest the 8th of January, (Proximo), as a fitting occasion for that purpose commemorating as it does the Victory of New Orleans and the illustrious Jackson. I would further suggest that some proper person be selected by the Legislature to receive the same, in the name, and in behalf of the people of the Territory. Deeming it proper that some return should be made to Mr. Ostner for his munificent donation, I invite your attention to the subject, for the purpo of appropriate legislation.

Very Respectfully
Your Obedient Servant.
H. W. Ballard—
Governor of Idaho Territory—

Boise City, January 6th 1869—

His Excellency H. W. Ballard, Governor of Idaho Territory:
Dear Sir:

I have completed an Equestrian Statue of Washington. The material of which the same is constructed, four years ago stood in the Payette valley, in Boise County. I have proposed through you, its [and] Executive to present the Statue to the Territory of Idaho.

Should there appear to be any merit in the work sufficient to cause its acceptance I shall feel not only gratified but sufficiently rewarded—

Very Respectfully
Your Obedient Servant
Charles Ostner—

Mr. Hudley on leave offered C. R. No 18 providing for the appointment of a Committee of five— two from the Council and three from the House to make arrangements to receive the Statue of Washington &c.

Read 1st and 2d times

On motion of Mr. Hudley, the Rules were suspended, Resolution considered engrossed and read 3d time

(The question being Shall the Resolution be passed—)

Roll was called—

Ayes. Messrs Allen, Anderson, Brown, Hudley, Ensign, Howard, Vander and Mr. President— 8—

Nays. None—

Absent Messrs. Ball and Yantis — 2.
So the Resolution was adopted—

On motion of Mr. Standley the Rules were suspended and the communication from the Governor together with the accompanying document from Mr. Charles Ostner were ordered printed immediately.

Mr. Allen from the Committee on Incorporations reported as follows:
Mr. President—
Your Committee on corporations to whom was referred C. B. No. 30 would respectfully report the same back with an amendment and recommend its passage as amended—
Allen
Chairman—

Message from the House—

House of Representatives
Boise City Jan. 6th 1869—

Mr. President:
I am instructed to inform your Honorable Body that the House has had under consideration and passed C. B. No. 27 An Act for the relief of Mathias Yopp Also C. C. R. No. 15 providing for certain printing both of which are herewith transmitted—
Henry F. Sayre
Chief Clerk
House of Representatives

Mr. Hardie from the Committee on Enrolled Bills reported C. B. No. 8 and 27. and C. C. R. No. 15 correctly enrolled—

The President announced that he was about to sign C. B's Nos. 8 and 27. H. B's Nos. 1. 11. 13. 14. and 32. C. C. R. No. 15 and

H. C. R. No. 6

Mr. Faulk from the Committee on Printing reported as follows:
Mr. President:
The Committee on Printing would respectfully report that the report of Hon. W. E. Smith would have been printed and laid on the tables of members this morning but for the request of Mr. Smith who wishes to read a short supplemental report—

Mr. Anderson from the Finance Committee reported back C. C. R. No. 17 and recommended its passage—

On motion of Mr. Anderson C. C. R. No. 17 was ordered engrossed—

Mr. Ensign on leave introduced C. B. No. 36 "An Act to repeal an Act entitled an act to create a Territorial Prison commissioner and to provide for the care and safe keeping of Territorial Convicts" Approved &c. 28th 1864—"
Read 1st and 2d times—

On motion of Mr. Hensley the Rules were suspended the Bill considered engrossed and read 3d time
The question being "Shall the Bill pass"
Roll was called—
Ayes– Messrs. Allen, Brunner, Dudley,
Ensign, Howard, Paul, Vance,
Faulk and Mr. President— 9
Nays. None—
Not voting Mr. Anderson— 1
So the Bill passed—

The following communication was received from Dakota Lodge No. 1. A. F. and A. M.

To the Hon. The President and Members of the Council of the Legislative Assembly of the Territory of Dakota—

Gentlemen:

The honor of your attendance at the Installation of the Officers of Boise Lodge No. 2. A. F. and A. M. at "Masonic Hall" On Friday January 8th A.D. 1869. at 2 o'clock P.M. is solicited

We are gentlemen

L.S.

Your Obedient Servants

Committee of arrangements } J. C. Geer
A. G. Redway
C. Heed —

Mr. Yantis from the Committee on printing reported C. B's No's 20. 29. and 31. also C. M. No. 7 correctly printed —

Mr. Ensign from the Judiciary Committee reported back C. B. No. 34 and recommended its passage —

In accordance with C. C. R. No. 16 The President appointed Messrs. Dudley and Anderson Committee on part of the Council —

On motion of Mr. [illegible] Council took a recess until 1 1/2 o'clock P.M.

Council Reassembled —
1 1/2 o'clock P.M.

The President in the Chair —

Roll called — Quorum present — Absent Messrs. Allen, Anderson, Dudley and [illegible] —

On motion of Mr. [illegible] a call of the Council was ordered —
Absent Messrs. Allen, Anderson, Dudley and [illegible]

The Sergeant at Arms appearing with the absent members

On motion of Mr. Yantis — further

proceedings under the call were dispensed with—

Message from the House

House of Representatives.
Boise City Jan. 7th 1869—

Mr. President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed substitute for C. B. No. 26 An Act defining the duties of the several District Attorneys of the Territory of Idaho also C. C. R. No. 16 locating Penitentiary also C. C. R. No. 8 appointing Joint Committee to make arrangements in receiving Statutes, and that Messrs. Marx Clark and Coulder are appointed on the part of the House as said Committee—

Also that the House has passed H. B. No. 19 an Act to amend Section 588 of the civil practice act and H. M. No. 6 praying for certain mail routes &c all of which are herewith transmitted—

Henri F. Seyin
Chief Clerk,
House of Representatives

The hour having arrived for the consideration of the Special order Council again resolved itself into Committee of the Whole on C. B. No. 25—

After considering said Bill the Committee arose and

In Council—

The President in the chair—

Reported progress and asked leave to sit again at 6 o'clock P.M. this evening—

On motion the report was received and leave granted

Message from the House
House of Representatives
Boise City 7th Jany 1869

Mr President

I am instructed to inform your Honorable Body that the House has had under consideration and passed H.B. No 39. An Act to incorporate the City of Malad in Oneida Co which is herewith transmitted

Henri H Sayrs
Chief Clerk House of Representatives

Mr Ensign on leave introduced C.B. 37. "An Act to amend an act entitled an Act defining the duties and fixing the Salary of the Territorial Controller" approved January 6th 1866

Read 1st and 2nd times and on Motion of Mr Ensign the rules were suspended and the bill referred to the Committee on Finance

H.B. No 29 was taken up, "An Act to amend An Act to incorporate Boise City in Ada County" approved Jany 11th A.D. 1866. Read 1st and 2nd times On motion of Mr Ensign rules suspended and Bill referred to Councilman from Ada –

H.B. No 19. was taken up "An act to amend Section Five Hundred & Eighty three of an act entitled an act to regulate proceedings in Civil Cases in the Courts of Justice in the Territory of "Idaho". Read 1st & 2nd times On Motion of Mr Tautis the rules were suspended and the Bill referred to the Committee on the Judiciary

H.B. No 28. An Act to amend An Act entitled "An Act to regulate proceedings in Civil Cases in the Courts of the Territory of Idaho" Approved December 4th 1864, and an act amendatory thereof approved Jany 12th 1866" was taken up – Read 1st & 2nd times On motion of Mr Bunner the rules were suspended and the Bill referred to the Judiciary Committee

H.B. No 39 "An Act to incorporate the City of Malad in Oneida County, was taken up read 1st & 2nd times and on motion of Mr Bunner the rules were suspended and the Bill refered to the Committee on Federal Relations

H. M. No 5. praying for a semiweekly mail from Boise City I.T. via Middleton Keeny's Ferry El Dorado City and Clarksville to connect with the Umatilla Road at Baker City Oregon; was taken up- Read 1st & 2nd times and on motion of Mr Yantis the rules were suspended and the memorial read a 3rd time

The question being shall the memorial be adopted the Roll was called

Ayes. Messrs Allen Bunner Ensign Howard Vance Yantis and Mr President - 7.

Nays - None -

Absent Messrs Anderson Dudley & Paul - 3

So the memorial was adopted.

On motion of Mr Vance the page was granted leave of absence for the evening

Message from the House.

House of Representatives

Boise City 7th Jany 1869

Mr President

I am instructed to inform your Honorable Body that the House has had under consideration and passed H.C.R. No 7. inviting the Lodges of Masons and Odd Fellows to participate in the ceremonies of the inaugration of the Equestrian Statue of Washington which is herewith transmitted

Henri F. Sayrs

Chief Clerk House of Representatives

H.C.R. No 7. inviting the Masons and Odd Fellows to participate in the ceremonies of the inaugration of the Statue of Washington taken up read 1st & 2nd times On motion of Mr Dudley the rules were suspended and the resolution read 3rd time. The question being shall the Resolution be adopted the Roll was called.

Ayes. Messrs Allen Anderson Bunner Dudley Howard Paul Vance Yantis & Mr President - 9

Nays - None

Absent Mr Ensign - 1. So the Resolution was adopted

On motion of Mr Ensign the Council took a recess until 6½ O'Clock P M

Council reassembled 6½ O'Clock P M

The President in the Chair Roll called quorum present absent Messrs Dudley and Paul

Council again resolved itself into Committee of the Whole to resume the Consideration of C.B. No 25 – Mr Howard in the chair,

Having considered C.B. 25 the committee arose and

In Council

The President in the Chair reported progress and asked leave to sit again

On motion report received and leave granted

On motion of Mr Anderson the Rules were suspended and Council adjourned until tomorrow at 10 O'Clock A M.

Geo Ainslie
Secretary

J S Taylor
Presdt of
Council

Thirty Third Day.

Council Chamber
Boise City I. T.
January 8th 1869

Council met pursuant to adjournment
President in the Chair
Roll called — Quorum present — Absent Mr Ensign

Prayer by the Chaplain

On Motion of Mr Anderson the reading of the journal was dispensed with.

On Motion of Mr Dudley the invitation of Boise Lodge No 2 A. F. & A. M. to attend the Public Installation of Officers of said Lodge was accepted

On Motion of Mr Dudley the Council adjourned.

Geo. Ainslie
Secretary

J. S. Taylor
Presdt of Council

Thirty Fourth Day —

Council Chamber
Boise City I. T.
January 9th 1869 —

Council met pursuant to adjournment —

Roll called Quorum present —
Absent Mr Dudley —

Prayer by the Chaplain —

Journal of [illegible] was read and approved —

Mr Anderson from the Committee on Finance submitted the following:

Mr. President—

The Committee to whom was referred C.B. No. 19 hereby report the same back and recommend its passage— Also—

The Committee to whom was referred C.B. No. 31 to amend "An act defining the duties and fixing the salary of Territorial Controller" hereby report the same back and recommend its passage—

Mr. Ewing pursuant to notice introduced C.M. No. 9 Praying Congress to donate certain lands to the Territory for Penitentiary purposes and read 1st and 2d times and ordered engrossed—

Message from the House—

House of Representatives
Wash'n Ter'y Jan. 9th 1864—

Mr. President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed H.B. No. 42 entitled to amend an act [illegible] entitled [illegible] the [illegible] duties of the [illegible] [illegible] certified—

[illegible]
Chief Clerk
House of Representatives

H.B. No. 42 entitled to amend an act entitled to regulate [illegible] in civil cases in the Courts of [illegible] [illegible] passed December [illegible] 1864— [illegible] [illegible] [illegible] and the bill was referred to the Judiciary Committee—

On motion of Cm. Allen the Council resolved itself into Committee of the Whole on C. M. No. 7 —

Cm. Allen in the Chair —

After consideration of C. M. No. 7 Cm. Dudley moved the Committee rise, report the memorial back to the Council with the recommendation that the memorial pass —

In Council

President in the Chair —

On motion of Cm. Allen the report of the Committee of the Whole was adopted —

Cm. Anderson moved to recommit C. M. No. 7 to the Committee on Federal Relations —

Motion lost —

C. M. No. 7 was on motion ordered engrossed —

On motion of Cm. Dudley the rules were suspended & C. M. No. 7, relating to the establishment of a United States mail between the town of [illegible] and the town of [illegible] in the county of [illegible], was read [illegible] and the question being shall the memorial be adopted —

Vote called —

Ayes Messrs. [illegible] [illegible] [illegible]
[illegible] Dudley [illegible]
[illegible] [illegible] [illegible]
and President —

Nays none —

Absent Cm. [illegible] —

So the memorial was adopted —

On motion of Cm. Allen the rules were suspended & C. B. No. 7 [illegible] an appropriation and [illegible] to the Settlers on the Indian Lands of Idaho — was considered engrossed and read 3d time —

The question being Shall the memorial be adopted —

Vote called —

Ayes. Messrs. Allen, Burgess, Dudley, Ewing, Howard, Paul, Vincent, Yeates and Mr. President — 9 —

Nays. None —

Excused Mr. Anderson —

So the memorial was adopted —

Mr. Yeates from Committee on Enrolled Bills reported as follows:

Mr. President:

The Committee on Enrolled Bills have the honor to report that they presented to His Excellency Governor D. W. Ballard for his approval C. B. No. 27 and H. B. No. 15 at 1 o'clock P.M. January 7th 1869 —

Also: that they had examined C. B. No. [illegible] and found the same correctly enrolled —

[illegible]
Chairman

Mr. [illegible] from Committee on Printing reported that they had examined the engrossing of C. B. No. [illegible] and found it correctly [illegible] [illegible] to [illegible] [illegible] —

Mr. Dudley gave notice that he would introduce C. B. No. 38 [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] Cleveland, [illegible] [illegible] the Committee [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

A communication from [illegible] [illegible] [illegible] [illegible] communication [illegible].

Communication of Mr. Emerson [illegible] C. B. No. 32 was referred to Judiciary Committee

C. B. No. 19 an Act to amend an Act entitled an Act for the benefit of the District Judges of Dakota Territory approved Jan. 11th 1867 taken up —

On Motion of Mr. Howard the Rules were suspended C. B. No. 19 considered engrossed, read 3d time —

Mr. Anderson moved to refer C. B. No. 19 to the Judiciary Committee
Motion lost —
The question being shall the Bill pass —
Roll Called
Ayes Messrs. Allen, Brunner, Dudley, Howard, Pumey, Smith and Mr. President — 7
Nays Messrs. Anderson, Emerson, Pecks [illegible]
So the Bill passed —

[illegible] in the Chair —

On motion of Mr. [illegible] the Council took a recess until 2 o'clock P.M.

Council Reassembled —
2 o'clock P.M. —

[illegible] President in the Chair —
[illegible]
[illegible] present —
[illegible] Committee —

[illegible] C. B. No. 17 [illegible] the Rules were suspended C. B. No. 17 considered engrossed read 3d time —

The question being shall the Reso-lution be adopted—

Vote stood—

Ayes. Messrs. Allen, Anderson, Binney, Ezzingi, Howard, Kreil, Lowe, Tarbus and Mr. President — 9

Noes. None—

Absent. Mr. Dudley — 1.

So the Resolution was adopted—

Message from the Governor—

Executive Department
Boise City, Jan. 9th 1869.

To Hon. [illegible]
Clerk of Council
Idaho Legislature

Sir:

I have the honor to return herewith [illegible] which I have approved and signed and C. B. No. 13 which I have signed.

Very Respectfully,
Your obt Servt,
(D. W. Ballard)

[illegible]

[illegible]

[illegible]

[illegible]

Boise City, I.T. Jan. 8th/1869

To the President
and
Members of the
Leg. Legislative Council
Idaho Territory

Gentlemen:

At a Special Communication of this Lodge held on this date the invitation of the Hon. Legislative Assembly inviting this Lodge to attend and take part in the inauguration of the Equestrian Statue of Washington — the following resolutions were adopted.

Resolved —

That the thanks of Boise Lodge No. 2 A. F. and A. M. be tendered to the Legislative Assembly Territory of Idaho for the kind invitation extended to the Masonic Fraternity to participate in the honors on the ceremonies attending the inauguration in the erection of the beautiful Equestrian Statue of the illustrious [illegible] Washington [illegible] true Mason [illegible] first [illegible] and the members of this Lodge avail themselves of this occasion to express to that Honorable Body their sincere thanks [illegible] the opportunity offered them [illegible] in a public [illegible] to the [illegible] of love and reverence [illegible] all [illegible] for him who was justly called the "Father of his country" —

Resolved —

That these Resolutions be spread upon the records of the Lodge and a copy thereof under the seal of the Lodge be transmitted to the Council and House of Representatives of the Territory of Idaho —

I hereby certify the foregoing to be a true and correct copy of the Resolutions [illegible] at a Special Communi-

ation of this Lodge on the date
By order of the W.M.
L.S. Charles L. [illegible]
Secretary —

On motion of Mr. Howard the Council resolved itself into Committee of the Whole on C.B. No 25 —
Mr. [illegible] in the Chair —

On motion Committee rose and
In Council
President in the Chair — Reported progress and asked leave to sit again at 6½ o'clock P.M.
On motion report received and leave granted.

On motion of Mr. [illegible] the Council took a recess until 6½ o'clock P.M.

Evening Session —

Council reassembled
[illegible] o'clock P.M. —

President in the Chair —

The [illegible] [illegible] [illegible] [illegible] read and approved.
On motion of Mr. Allen Call of the Council was ordered — absent Mr Brunner
[illegible]
[illegible] be found —

[illegible]
[illegible]
[illegible] —

The Council again resolved itself into Committee of the Whole on C.B. No 25 —
Mr. Vance in the Chair —
Committee rose
and In Council —
~~and~~ President in the Chair
Reported that the Committee had under consideration C.B. No 25

and report the same back to the Council and recommend the passage of the bill as amended —

On motion of Mr. Dudley the Rules were suspended & C. B. No. 25 was ordered engrossed by writing out the amended sections in full and placing them on the printed copy at the proper place —

On motion Council adjourned until Saturday at 11 o'clock A. M. —

J. S. Taylor President of Council

Geo. Ainslie
Secretary

Thirty Sixth Day —

Council Chamber
Virginia City, [illegible]
January 11th 18[illegible] —

Council met pursuant to adjournment

President in the Chair. —

[illegible] [illegible] full [illegible] present [illegible] and [illegible] —

[illegible] by the Chaplain

Journal of yesterday read and approved

[illegible] C. B. No. 40 [illegible] consideration of the [illegible] of the [illegible] committee [illegible] and [illegible] the Rules were suspended [illegible] the Committee [illegible] —

Message from the House —

House of Representatives
Boise City Jan 9th 1869

Mr President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed H.R. No. 19 appropriating money to pay expenses for inauguration of Washington Statue etc. House substitute for H.B. No. 22 An Act to reapportion the members of the Legislative Assembly of Idaho. Also H.B. No. 35 an Act to provide for the apportionment of certain school moneys &c. Also House substitute for H.B. No. 36 an Act to amend an Act to establish school system &c.

All of which are herewith transmitted.

[illegible]
Chief Clerk
House of Representatives

House of Representatives
Boise City Jan 9th 1869

Mr President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed H.B. No. 41 [illegible] which is herewith transmitted.

[illegible]
Chief Clerk
House of Representatives

House of Representatives
Boise City Jan 11th 1869

Mr President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed the following Resolution [illegible] council is requested [illegible]

the House in Joint Convention on Tues-
day the 12th of January 1869 at 6 ½ o'clock
P.M. to take into consideration the appoint-
ing of a commission to compile or codify
the Laws of Idaho [illegible] said [illegible] their
[illegible] as may be deemed of importance.
Your attention is respectfully
asked thereto—

Henry T. Bayes.
Chief Clerk—
House of Representatives

Mr. Paul from Committee on Engross-
ed Bills reported C. B's Nos 25 and 30 and
C. J. R. No. 17 and [illegible] correctly engross-
ed—

The President announced that he
was about to sign H. B. No. 6—

On motion of Mr. [illegible] the Rules
were suspended & H. B. No. 57 an act to
amend an act entitled an act defin-
ing the duties and fixing the salary
of the territorial controller approved Dec 6th
1866— considered engrossed read a
3d time—

The question being shall the
Bill pass—

The vote was—

Ayes [illegible], [illegible], [illegible], [illegible],
[illegible], [illegible], [illegible], [illegible],
[illegible], [illegible] and Mr. President—10

Nays None—

So the Bill passed—

On motion of [illegible] the Rules
were suspended & H. B. No. [illegible] an act
to create [illegible]
[illegible]
[illegible]
[illegible] considered engrossed and read a 3d time
The question being "Shall the Bill pass"

The vote was—

Ayes [illegible], [illegible], [illegible],
[illegible], [illegible], [illegible], [illegible],

Varney, Wands and Mr President — 10
Nays — None —
So the Bill passed —

Sen. Res. No. 7 authorizing the State Prison Commissioners to audit and allow the claims of G. F. Little against prison Fund and Controller to draw his warrants &c. read 3rd time Rules suspended —

The question being Shall the Resolution be adopted —

Vote Called —

Ayes. Messrs. Anderson, Bunner, Ensign,
Paul, Planter — 5 —

Nays. Messrs. Henry, Lindley, Howard,
Varney, Mr. President 5

So the Resolution was lost —

S. B. No. 60 An Act concerning Religious Social, Benevolent and Charitable Institutions — read 3rd time —

The question being Shall the Bill pass —

Vote called —

Ayes Messrs. Allen, Anderson,
Bunner, Ensign, Howard,
Paul, Smith, Mr. President 8 —

Nays, Messrs. Lindley and Varney — 2.
So the Bill passed —

On motion called [illegible] the [illegible] of the amendments to S. B. No. 50 [illegible] [illegible] committee of the whole — [illegible] [illegible] [illegible] [illegible] —

The question of the [illegible] of the committee of the whole was adopted —

Mr. Ensign offered the following amendments:

Amend Section 58 by adding to the end of the section —
"and provided further that [illegible]

suits is commenced by the District Attorney under the provisions of this Act in Justice or District Courts [illegible] and [illegible] that proper service must be delivered to the Sheriff for service —

On motion the amendment was adopted —

Mr. Allen moved to amend Section 31 line 11 by inserting after "Ada" "and Oneida" — Also section 32 line 10 by after "Ada" "and Oneida" —

~~Sec.~~ 2

Also Section 34 line 3 insert the words "and Oneida" after "County" Also Section 27 line 16 insert "and Oneida County" after "Ada."

On motion the amendments were adopted —

Mr. Mulkey moved to amend Section 4 line 16 after the words "[illegible], in [illegible]" and all [illegible] [illegible]"

The question being shall the amendment be adopted —

Ayes and Noes were called for —

Ayes Messrs. Mulkey [illegible] [illegible] [illegible]

Noes [illegible] 4

Messrs. [illegible] Allen [illegible] [illegible], [illegible] [illegible] and Mr. President 6

So the motion was lost —

Mr. Mulkey moved to amend Section 17 by striking out [illegible] after the word [illegible] [illegible] —

The question being shall the amendment be adopted

Ayes and Noes were called —

Messrs. [illegible] Allen, [illegible] [illegible],

Messrs. [illegible] ~~[illegible]~~ Anderson [illegible], [illegible], [illegible], [illegible], [illegible] and Mr. President. —

So the motion was lost. —

On motion of [illegible] the Rules were suspended the amendments to C. B. No. 26 were considered engrossed and C. B. No. 26 "An Act to provide a uniform system of Territorial and county Revenue and for the assessing and collecting the same" was read 3rd time by title.

The question being shall the Bill pass as amended—
The vote was called—
Ayes. Messrs. Allen, Anderson, Bunney, [illegible], Howard, Santee and Mr. President — 7—
Nays. Messrs. Dudley, Pauly and Vance 3—
So the Bill passed—

Mr. Paul on behalf of Boise Lodge No. 2 A. F. and A. M. requested the use of the Hall for one hour on Wednesday next—

On motion of Mr. Anderson the request was granted—

Mr. Allen from the Committee on Territorial Affairs reported back C. B. No. 39 and recommended the passage of the Bill—

Mr. Dudley from the Committee on Federal Relations reported back H. B. No. 37 and recommended its passage—

Mr. Dudley from Committee on Engrossment reported ~~[illegible]~~ C. B. No. 8 correctly engrossed—

Mr. [illegible] from Committee on Enrolled Bills reported [illegible] C. B. No. 26 correctly enrolled—

On motion Council took a recess until 2 1/2 o'clock P. M.—

Council Reassembled—
2 1/2 o'clock P. M.—

President in the Chair

Roll Called — Quorum present —
Absent Messrs. Brunner, Hadley, and Yantis —

H. B. No. 39 An Act to incorporate the City of Tombstone in Cochise County was taken up, read 3d time —
The question being Shall the Bill pass —
The Roll was called —
Ayes Messrs. Allen, Anderson, Brunner,
Ensign, Howard, Paul,
Tanner, Hinds, and
Mr. President — 9
Nays None —
Absent Mr. Hadley — 1
So the Bill passed —

Mr. Paul by leave introduced C. B. No. 41 An Act to create a redemption fund in Pima County —
Read 1st and 2d times and, on motion of Mr. Brunner the Rules were suspended and the Bill referred to the Council members from Pima County and ordered printed —

Mr. Ensign from the Judiciary Committee reported back C. B. No. 31 with an amendment, and recommended the passage of the bill as amended —

C. B. No. 31 was taken up and on motion of Mr. Ensign was amended as follows: section 10 amended by inserting clause as follows — "Provided That in the counties of [illegible] the salary of the district attorney shall be [illegible] dollars and in the county of [illegible] the salary of the district attorney shall be fixed by the board of county commissioners —"

Section 1 was amended by continuing same as follows:
"Providing that the provisions of this act shall not apply to the present incumbents of the office of District Attorney"—

On motion of Mr. Ensign the Rules were suspended C. B. No. 31 An Act creating the office of District Attorney for each county in this Territory and defining their duties and providing for their compensation was considered engrossed as amended — and read 3d time
The question being "Shall the Bill pass"
The Roll was Called—
Ayes. Messrs. Ellery, Anderson, Banner, Studley, Ensign, Paul, Vance, Coutts and Mr. President — 9
Nay. Mr. Howard —
So the Bill passed—

Mr. Vance on behalf of the Boise County Delegation to whom was referred C. B. No. 33, reported the same back to the Council and recommended that it be recommitted to the Committee of the Whole —

On motion the report was received and adopted —

Mr. Steel on leave introduced C. B. No. 42 An Act to provide [illegible] revenue [illegible] [illegible] [illegible] rendered the [illegible].
Read first time —

On motion of Mr. Paul the Bill was read and the Bill referred to a special committee consisting of Messrs. Paul, Ellery and Vance 3—

Mr. Anderson gave notice that on tomorrow he would introduce a Bill to provide a fund for the redemption of and prescribing the manner of redeeming the outstanding warrants drawn upon the Treasurer of Alturas County and further to provide for the payment of all current expenses of said Alturas County—

On motion of Mr. Allen C. B. No 37 was recommitted to the Committee on Territorial Affairs

On motion of Mr. [illegible] C. B. No. 29 was recommitted to the councilman from Ada—

Message from the House

House of Representatives
Boise City 11th Jany 1887—

Mr. President;
I am instructed to inform your Honorable Body that the House has had under consideration and passed H. B. No. 7 Providing for appropriations of Counties, road &c.
Also H. B. No. 30 an act supplementary of and supplementary to an act providing for a board of [illegible] commissioners for [illegible] Co. Also H. B. No 45 an Act relating to roads ~~and~~ highways trails &c.
Also H. B. No. 46 An act to authorize the Territorial Treasurer to appoint assistant—
Also H. B. No. [illegible] providing for the disposition of [illegible] property &c.
Also H. B. No. 21 an act entitled an Act defining the time of commencing civil actions—
Also H. B. No. 41 to change the name of [illegible] City—
Also H. B. No. 35 an act concerning Juries — all of which are herewith transmitted—

Henri A. Lapp,
Chief Clerk —
House of Representatives —

On motion of Mr. Hindley the Rules was suspended and the vote by which H.B. No. 38 was made the Special order for this evening at 6 1/2 o'clock was reconsidered —

On motion of Mr. Hindley the Council considered itself in Committee of the Whole —

President in the Chair to consider C.B. No. 38.

After considering C.B. No. 38 the Committee arose and
In Council —
President in the Chair reported back to the Council C.B. No. 38 with amendments and recommended the passage of the Bill as amended —

Mr. Hayward moved that the report of the Committee of the Whole be adopted —
Ayes and Nays were called for —
Ayes. Messrs. Ellery, Kennedy, Howard, [illegible] [illegible] and Mr. President — 6
Nays. Messrs. Becker, Anderson, Hindley,
Emery, and Paul — 4
So the question was adopted —

On motion of Mr. Anderson the Rules were suspended C.B. No. 38 an act to [illegible] special [illegible] [illegible] for the benefit of Charles [illegible] was considered 2nd and 3rd time —
The question being shall the Bill pass —
The Roll was called —
Ayes. Messrs. Allen, Anderson, Barnes, Hindley, Howard, Paul, Vance

and Mr. President — 8
Nay. Messrs. Ensign and Gamble — 2
So the Bill passed —

On motion Council took a recess until 6 1/2 o'clock P.M. —

Council Reassembled —
6 1/2 o'clock. P.M. —

President in the Chair —

Roll Called. Quorum present —

Mr. Benner on leave introduced C.B. No. 43 an act to provide increased compensation to the officers of this Territory read 1st and 2d times and on motion the Rules were suspended and the Bill referred to the Judiciary Committee —

Mr. Anderson on leave introduced C.B. No. 44 an act to repeal an Act entitled An Act for the benefit of the District Judges of ~~[illegible]~~ Dakota Territory approved Jan 11th 1867, read 1st and 2d times and on motion the Rules were suspended and the Bill referred to Judiciary committee —

Mr. Benner on leave introduced C.B. No. 45 an act entitled An act to provide for the publication of the Laws of the fifth session read 1st and 2d times and on motion the Rules were suspended and the Bill referred to Finance Committee —

Mr. Anderson on leave introduced C.C.R. No. 20 appropriating sixty dollars out of the general fund to pay P.E. Edmundson for services as clerk of joint committee on Revenue and read 1st and 2d times and on motion the Rules were suspended and agreed to Finance Committee—

On motion of Mr. Paul substitute for H.B. No 22 taken up—read 1st and 2d times ~~and~~ on motion the Rules were suspended and substitute was referred to Committee on Territorial Affairs—

On motion of Mr. Ensign H.B. No 21 taken up—read 1st and 2d times and on motion the Rules were suspended and Bill referred to the Councilman from Owyhee—

On motion of Mr. Anderson H.B. No 27 was taken up read 1st and 2d times and on motion the rules were suspended and Bill referred to Judiciary Committee—

On motion of Mr. Anderson the communications from the House were taken up—

H.B. No 7 An Act in regard to the dissolution of common property in the [illegible] of [illegible] and the incorporation of the [illegible] read 1st and 2d times and on motion the Rules were suspended and Bill referred to the committee on incorporations—

H.B. No 26 An Act to provide for the apportionment of certain school monies belonging to School District No 1 of Ada County [illegible] returned from the House and recommitted to the committee on Education with the amendment from that committee [illegible] read [illegible]—

H.B. No 30 An Act amendatory of and supplemental to An Act to provide for [illegible] Commissioners for [illegible] approved Jan 11th 1867 read 1st and 2d times and on motion the rules were suspended and Bill referred to Boise County Delegation—

H.B. No. 35 An Act concerning jurors read 1st and 2d times and on motion the Rules were suspended and Bill referred to Judiciary Committee

Substitute for H.B. No. 36 An Act to amend an act entitled An Act to establish a Common School System and to provide for the maintenance and supervision of Public Schools Approved January 11th 87— Read 1st and 2d times and on motion the Rules were suspended and Bill referred to Committee on Education—

H. B. No. 41 An Act to prevent Stallions from running at large in Idaho Territory read 1st and 2d times and on motion the Rules were suspended read 3d time by title
The question being "Shall the Bill pass"
Roll called—
Ayes Messrs. [illegible] [illegible] Bennett Ensign, Howard, Paul, Vance, [illegible] and Mr. President—
Nays Messrs. [illegible] and [illegible]
So the Bill passed—

H.B. No. 40 An Act to amend an Act entitled an Act to amend an Act entitled An Act concerning [illegible] and [illegible] [illegible] and [illegible] [illegible] approved [illegible] 30th 1884 Approved January 10th 1880— read 1st and 2d times and on motion ~~the~~ Rules were suspended Bill read 3d time—
The question being Shall the Bill pass—
Roll called—
Ayes Messrs. Allen, Anderson, [illegible], Dudley, Ensign, Howard, Paul, Vance, [illegible] and Mr. President 10
Nays None.
So the Bill passed—

H. R. No. 40 An Act to authorize the Territorial Treasurer to appoint an assistant — read 1st and 2d times and on motion of Hon. Anderson the Rules were suspended — read 3d time —

The question being Shall the Bill pass —

Vote called —

Ayes. Messrs. Allen, Anderson, Bunner, Dudley, Ensign, Howard, Paul, Vance, Smith and Mr. President — 10

Nays. None —

So the Bill passed —

On Motion of Hon. Paul the consideration of the message from the House inviting the Council to meet in Joint Convention was postponed until tomorrow morning —

Hon. Vance from Road Delegation on C. B. No. 20 returned the same back with substitute and recommended the passage of substitute —

Hon. Dudley asked leave to file minority report accompanied with a substitute for C. B. No. 20 on tomorrow morning —

The permission asked was granted —

On motion of Hon. Anderson the Council adjourned —

J S Taylor Prest of Council

Geo. Ainslie
Secretary

Thirty Seventh Day

Council Chamber
Boise City, I. T.
January 12th 1869

Council met pursuant to adjournment—

President in the Chair—

Roll called—Quorum present—

Prayer by the Chaplain—

Journal of yesterday read and approved—

The President announced that he was about to sign C. B. No 26 and H. B. Nos. 16 and 18—

Mr. Dudley from Com. reported as follows:
Mr. President:

Your Committee on [illegible] to whom was referred H. B. No 30 an Act to provide for the apportionment of certain moneys belonging to School District No 1 of Ada county, report the same back to the Council and recommend its passage—

On motion of Mr. Dudley the Rules were suspended & H. B. No 30 "An Act to provide for the apportionment of certain sum of money belonging to School District No 1 of Ada county, Idaho Territory" [illegible] third time—

The question being shall the Bill pass—

Roll called—

Ayes Messrs. [illegible], [illegible], [illegible], [illegible], Dudley, Estes, [illegible], [illegible], [illegible] and Mr. President— 9

Noes Mr. [illegible]— 1

So the Bill passed—

Mr. Ensign from Judiciary Committee reported as follows:

Mr. President:

The Committee on the Judiciary to whom was referred C. B's. No. 43 and 44. Have had the same under consideration and the majority of said Committee report the same back with a substitute and recommend the adoption and passage of the Substitute —

On motion of Mr Ensign the Rules were suspended and substitute for C. B's 43 and 44 was adopted —

On motion of Mr. Ensign the Rules were suspended substitute for C. B's. No. 43 and 44 An Act to provide increased compensation to the officers of the Territory and to repeal An Act entitled, an Act for the benefit of the District Judges of Idaho Territory — approved January 11th 1875 read 3rd time —

The question being

Shall the bill pass —

Roll called —

Ayes: Messrs Gibson [illegible], [illegible] & Dudley, Ensign, Bird, [illegible] 6

Nays: Messrs [illegible], Howard, [illegible] and Mr. President — 4

So the bill passed —

Mr. [illegible] moved the vote by which substitute for C. B's. No. 43 and 44 was passed be reconsidered —

Mr. Dudley moved to indefinitely postpone the motion to reconsider. Motion prevailed —

Messrs Ensign and Bird from majority of Committee on Territorial Affairs reported as follows:

Mr. President:

The Committee on Territorial Affairs to whom was referred

C. B. No. 22 have had the same under consideration and report the same back and a majority of said Committee recommend its passage—

F. E. Ewing
J. M. Pike—

Mr. Allen from minority of Committee on Territorial Affairs reported as follows:

Mr. President:

Your Committee on Territorial Affairs have had under consideration C. B. No. 22 beg leave to make a minority report as follows: That the apportionment of the Bill is not on an equal basis and is not according to the organic law—

And I would recommend that a Joint Committee of two from the Council and three from the House be appointed for the further consideration of the Bill—

R. S. Allen—

Mr. Bradley from Com. on Printing reported that they have examined C. B. No. 5 and find the same correctly printed—

Also C. B. No. 44 and find but one omission—

[illegible] Mulley from a portion of [illegible] [illegible] to whom was referred C. B. No. [illegible] [illegible] for the [illegible] of and prescribing the manner of [illegible] the [illegible] [illegible] upon the [illegible] of [illegible] [illegible] report a substitute therefor and recommend the passage of the substitute—

[illegible] from [illegible] Committee on Enrolled Bills reported C. B. No. 34 and find the same correctly and we herewith report the printed copy as thoroughly incorrect — Also the [illegible] have compared C.B. No 39 and find but few unimportant errors —

Mr. Ensign in the Chair —

The President on leave introduced C.M. No. 1 — Praying for additional mail facilities for Lewiston I.T. read 1st and 2d times and on motion of Mr. Taylor the Rules were suspended Memorial considered engrossed read 3d time —
The question being shall the memorial be adopted Roll called

Ayes Messrs Allen Anderson Bunner Dudley Ensign
Howard Paul Vance Yantis Mr President — 10
Nays — None — So the memorial was adopted

Mr Yantis on leave introduced C.B. No 47 "An Act to Suppress Gaming" and on motion of Mr Anderson the reading of the Bill at length was dispensed with — Bill read 1st & 2nd times by title Rules suspended and Bill referred to the Judiciary Committee.

Mr Anderson pursuant to notice introduced C.B. No 48 "An Act to provide for the redemption of and prescribing the manner of redeeming the outstanding warrants drawn upon the Treasurer of "Alturas County" and further to provide for the payment of all current expenses of Alturas" Read 1st & 2nd times, and on motion of Mr. Anderson the Rules were suspended Bill considered engrossed read 3rd time by title — The question being shall the Bill pass — Roll called

Ayes — Messrs Allen Anderson Bunner Dudley
Ensign Howard Paul Vance Yantis and
Mr President — 10
Nays — None — So the Bill passed

Message from the House

House of Representatives
Boise City, 12th Jany 1869.

Mr President
I am instructed to inform your Hono

Body that the House has had under consideration and passed H. B. No 17. An Act to amend An Act entitled an act to incorporate South Boise Wagon Road approved January 4th 1867.

Henri F. Sayre
Chief Clerk
House of Representatives

Mr. Ensign from Judiciary Committee reported C. B. No. 12 back and recommended its indefinite postponement, Also, reported C. B. No. 32 with amendments and recommended the adoption of the amendments and the passage of the Bill when amended. Also reported H. B. No. 17 back and recommended its passage — Also reported C. B. No. 35 back with amendments and recommend the adoption of the amendments and the passage of the Bill when amended —

Mr. [illegible] from Committee on Enrolled Bills reported C. B. No 19 correctly enrolled —

Council on motion [illegible] until 2 1/2 o'clock P. M. —

Council Re-assembled 2 1/2 o'clock P. M.
President in the Chair —

Roll called [illegible] present — and Journal read and approved —

Mr. [illegible] from the Committee on Enrolled Bills, reported C. B. No. 7 correctly enrolled —

Mr. [illegible] from the Special Committee to whom was referred H. B. No. 30 reported the same back and recommended its passage —

Mr. Ensign from the Judiciary Committee reported back C. B. No. 28 and recommended its indefinite postponement —

Mr. Paul from the Special Committee reported back H.B. No. 29 with a substitute and recommended the passage of the substitute also C.B. No 41 and recommends the passage of the bill, on motion ~~[illegible]~~ C.B. No. 41 An Act to create a redemption fund in Ada County — was taken up —

Rules suspended Bill considered engrossed and read 3d time —

The question being "Shall the Bill pass" —

The Roll was called —

Ayes Messrs. Allen, Anderson, Brunner,
Dudley, Ensign, Paul, Vance
Yantis and Mr. President — 9
Nays Mr. Howard — 1

So the Bill passed —

The President announced that he was about to sign C.Bs. Nos. 41 45 and 46 —

On motion of Mr. Allen the Rules were suspended and substitute for H.B. No. 20 was taken up —

Mr. Brunner moved to indefinitely postpone substitute for H.B. No. 20 — Motion lost —

On motion of Mr. Allen the substitute for H.B. No. 20 was [illegible] —

On motion of Mr. Allen substitute for H.B. No. 20 was considered engrossed and read 3d time the Rules being ~~suspended~~ —

The question being "Shall the Bill pass" —

The Roll was called —

Ayes Messrs. Allen, Anderson, Dudley,
Howard, Paul, Vance, Yantis
and Mr. President — 8
Nays Messrs. Brunner and Ensign — 2

So the Bill passed —

*

* The President announced that he was about to sign H.B. No. [illegible] and C.C.R. [illegible]

* On motion of Mr Paul the Rules were suspended and Mr Vance on leave introduced C B No 49 "An act to provide for the payment of certain books now in the possession of Wells Fargo & Co, belonging to the Territory and to authorize the Territorial Controller to draw his warrant on the Territorial Treasurer for the payment of said books" Read 1st & 2d times

Rules suspended, Bill considered engrossed and read 3d time — The question being shall the Bill pass.

The Roll was called ayes. Messrs. Allen, Anderson, Brunner, Dudley, Ensign, Howard, Paul, Vance, Yantis and Mr President — 10 nays none So the Bill passed

*

H. B. No. 17 An Act to amend an act ~~Act~~ entitled An act ~~to~~ ~~Act~~ to amend An Act to incorporate South Boise Wagon Road approved January 7th 1867 — was taken up—

Read 1st and 2d times and on motion of Mr. Brunner the Rules were suspended and the Bill referred to the Councilman from Alturas County—

H. B. No. 30 An Act amendatory of and supplementary to An Act to provide for a Board of Fire Commissioners for Boise City approved January 11th 1867 — was taken up read 3d time—

The question was "Shall the Bill pass"—

The Roll was called—

Ayes. Messrs. Allen, Anderson, Brunner,
Ensign, Howard, Vance, Yantis
and Mr. President — 8

Nays. None—

Absent. Messrs. Bradley, and Paul— 2

So the Bill passed—

Mr. Ensign offered the following resolution—

Resolved by the Council that in consequence of the great amount of important business now pending and the near approach of the end of the session it is deemed inexpedient to accept the invitation of the House to go into joint convention for the purpose of Codifying the laws and the Council therefore respectfully declines the invitation

Mr Brunner in the Chair

The question being on the adoption of the Resolution the Roll was called

Ayes. Messrs. Anderson Brunner Ensign Howard
Paul, Yantis— 6

Nays. Messrs. Allen Vance & Mr President 3

Absent— Mr Bradley, 1 So the Resolution was adopted

Mr Yantis offered the following C.C.R. No 21.

Resolved by the Council, the House of Representatives Concurring, that no new matter (either Bill or memorial) be entertained after Wednesday January 13th 1869

Read 1st & 2nd times. Rules suspended, Considered engrossed, and on motion laid on the table

Mr Paul from Special Committee reported as follows

President of the Council

The Committee appointed by you and to whom was referred C.B. No 42 have thoroughly examined the same and find the following facts connected therewith

First John Carpenter is a citizen of Ada County and that early in the Spring of 1868 he pursued two persons to the County of Umatilla, Oregon, which persons were accused of the Crime of Grand Larceny Committed in Boise ~~Valley~~ Ada County I.T. That said Carpenter had the persons arrested and returned to the Territory, and that after an examination in the Magistrates Court the said persons were committed and held to answer before the next ensuing Grand Jury of the County - That one of the said defendants, to wit, Parkinson, was released on bail, and the sum of Five Hundred dollars was deposited as such bail, and which bail was forfeited, and paid into the County and Territorial Treasury as required by law - The other deft Gillespie plead guilty to the Charge of Grand Larceny and was sentenced by the District Court of the 2nd Judicial District I.T. You can deem the services rendered by Mr Carpenter as meritorious, and as the Bill makes no allowance for any but the actual expense incurred by Mr Carpenter in the pursuit arrest and delivery of said Criminals into the hands of lawful authorities, Unanimously recommend the Bill as herewith reported

G. W. Paul
Chairman of Special Committee

On motion the Porter was granted leave of absence during the remainder of the Evening

On motion the Council took a recess until 6 O'Clock P. M.

Council Reassembled
6 O'Clock P.M.

President in the Chair - Roll called Quorum present - Absent Messrs Brunner & Dudley

On motion of Mr Vance Council took up C.B. No 32 and the amendments reported by the Judiciary Committee were adopted

On motion of Mr Ensign the printed copy of C.B. No 32 as amended by the Judiciary Committee was substituted in lieu of the original Bill

On Motion of Mr Ensign the rules were suspended. C.B. No 32. "An Act to Create a Board of County Commissioners in the Counties of this Territory and to define their duties and powers" was considered engrossed and read a 3rd time by title. The question being shall the Bill pass - The Roll was called.

Ayes Messrs Allen Anderson Brunner Dudley
Ensign Howard Vance Yandle & Mr President - 9
Nays - None
Absent - Mr Paul - So the Bill passed

On motion of Mr Ensign C.B. No 28 was taken up the report of the Judiciary Committee was adopted and the Bill indefinitely postponed

Message from the House
House of Representatives
Boise City 12th Jany 1869

Mr President

I am instructed to inform your Honorable Body that the House has had under consideration and passed

C.M. No 10 praying for certain Mail facilities
C.B. No. 19 To amend an Act for benefit of District Judges
C Substitute for C.B. No 20 relating to redemption Warrants Boise Co,
C.B. No 34 To Create Prison Commissioner &c
C.B. No 37. Fixing salary of Controller &c
H.M. No 6. Praying for certain Mail Routes
C.B. No 46 To provide for compensation of certain Territorial Officers

H.B. No 44. Relating to redemption Warrants of Ada Co,
H.B. No 49 To regulate collections in Owyhee Co &c
C.B. No 30 Concerning religious and other associations
All of which are herewith transmitted

Henri F. Sayrs
Chief Clerk House of Representatives

House Bill No 35 was taken up and on motion the amendments reported by the Judiciary Committee were adopted

On motion of Mr Anderson the rules were suspended and House Bill No 35 "An Act Concerning Jurors" was read 3rd time by title. The question being Shall the Bill pass - The Roll was called
Ayes Messrs Allen Anderson Dudley Ensign Howard Vance Yantis & Mr President - 8
Nays - none
Absent Messrs Bunner & Paul 2 So the Bill passed

On motion of Mr Ensign H.B. No 19 "An Act to amend Section Five Hundred & Eighty three of An Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of Idaho Territory" was taken up read 3rd time, The question being shall the Bill pass The Roll was called
Ayes Messrs Allen Anderson Bunner Dudley Ensign Howard Paul Vance Yantis and Mr President - 10
Nays - None. So the Bill passed.

Mr Dudley from the Committee on Education reported back H.B. No 36. and recommended its passage Also that a majority of said Committee has considered C.B. No 40 and recommended the indefinite postponement of the Bill

On motion of Mr Paul substitute for H.B. No 29 An act to amend an act to incorporate Boise City in Ada County approved Jany 11th 1866 was taken up and adopted - Rules suspended - Read 3rd time The question being shall ~~substitute~~ for H B No 29 pass - The Roll was called
Ayes. Messrs Allen Anderson Bunner Ensign Howard Paul and Vance - 7.
Nays Messrs Yantis & Mr President 2.
Absent - Mr Dudley 1 So the Bill passed

On motion of Mr Paul C.B. No 42 An Act appropriating money to pay John Carpenter for services rendered the Territory" was taken up. On Motion of Mr Paul the Rules were suspended the Bill considered engrossed read 3rd time. The question being shall the bill pass. Roll called

Ayes. Messrs Allen Anderson Bunner Ensign
Howard Paul Vance Yantis & Mr President - 9
Nays - None
Absent - Mr Dudley 1 So the Bill passed

Mr Vance on leave introduced C.B. No 50, "An Act to improve the Capitol Square and other public property in the town of Boise City" Read 1st and 2nd times and on motion the rules were suspended and Bill referred to the Committee on Territorial affairs

Mr Bunner on leave introduced C.B. No 51. "An Act relating to Common Carriers and Insurance Companies" Read 1st & 2nd times and on motion of Mr Bunner the rules were suspended and the Bill referred to the Finance Committee

Mr Anderson on leave introduced C.B. No 52 "An Act to amend An Act entitled An Act supplementary to an Act entitled An Act to authorize the County Commissioners of Alturas County to levy and collect Special Tax" approved January 7th 1867. Read 1st and 2nd times and on motion of Mr Vance the Rules were suspended the Bill considered engrossed and read 3rd time The question being shall the bill pass. The Roll was called

Ayes - Messrs Allen Anderson Bunner Ensign
Howard Paul Vance Yantis Mr President - 9.
Nays - None
Absent - Mr Dudley 1, So the Bill passed

Mr Ensign on leave introduced C.B. No 53. "An Act to amend An Act entitled An Act Concerning Roads Highways Trails and Public Thoroughfares" Approved Jany 30th 1864. Read 1st & 2nd times and on motion of Mr Ensign the Rules were suspended and the Bill referred to the Committee on Roads and Highways

Mr Anderson from the Judiciary Committee reported back a substitute for H.B. No 27

"An Act entitled an act defining the time of Commencing Civil actions" Approved Jany 23rd 1864 and recommended its passage. On motion substitute for H.B. No 27 taken up and adopted read 3rd time The question being shall the Bill pass - Roll called
Ayes - Messrs. Allen Anderson Bunner Paul Yantis - 5.
Nays - Messrs Ensign Howard Vance Mr President 4
Absent Mr Dudley 1. - So the Bill passed

Mr Howard on leave introduced C. M. No 11. Praying for a U.S. Mail Route to Washington Idaho Co. I.T. Read 1st & 2nd times and on motion the Rules were suspended memorial considered engrossed and read 3rd time - The question being shall the memorial be adopted - Roll called
Ayes - Messrs Allen Anderson Bunner Ensign
Howard Paul Vance Yantis Mr President - 9
Nays - None -
Absent, Mr Dudley 1, So the memorial was adopted

Mr Anderson on leave introduced C.B. No 54. "An Act Concerning Corporations" Read 1st & 2nd times and on motion the Rules were suspended and Bill referred to the Judiciary Committee

Mr Ensign on leave introduced C.B. No 55. "An Act to appropriate the sum of One Thousand dollars for the benefit of F. G. Settle" - Read 1st and 2nd times and on motion the Rules were suspended and the bill referred to the Finance Committee

On motion of Mr Vance the Council resolved itself into Committee of the whole for the consideration of C.B. No 33 - Mr Vance in the Chair - After considering C.B. No 33 the Committee arose, and In Council The President in the chair reported C.B. No 33 back to the Council and recommended that the Bill be recommitted to a select Committee of three to be appointed by the chair On motion the report was adopted whereupon the President appointed Messrs Allen Paul & Howard such Committee

On Motion of Mr Ensign H.B. No 49 was ordered printed immediately

"Mr Anderson from Committee on Finance

reported as follows

Mr President

Your Committee on Finance to whom was referred C. C. R. No. 20. herewith report the same back and recommend its passage

On motion of Mr Howard the Council adjourned

J. S. Taylor Presdt of Council

Geo. Lenslie
Secretary

Thirty Eighth Day

Council Chamber
Boise City, I. T.
January 13th, 1867

Council met pursuant to adjournment

President in the Chair

Roll called Quorum present

Prayer by the Chaplain

Journal of Yesterday read and approved

[illegible]

[illegible] presented the petition [illegible] and on motion [illegible] the Rules were suspended - [illegible] engrossed and passed.—

The motion being [illegible] the memorial be adopted—

Roll called—

Ayes Messrs. Allen Anderson, B[illegible]

[illegible], Emery, Girard,
Paul, [illegible], [illegible] and
Mr. President — 10

Nays. None —
So the memorial was adopted —

Mr. Anderson on leave introduced C. B. No. 56, An Act to provide for the payment of the Territorial printing — Read 1st and 2d times and on motion of Mr. Dudley the rules were suspended — Bill referred to Committee on printing —

Mr. Allen on leave introduced C. B. No. 57 "An Act to provide for the publishing of the Laws of the fifth session of the Legislature of [illegible] Territory" — Read 1st and 2d times and on motion of Mr. Dudley the rules were suspended and the Bill referred to the Committee on Territorial [illegible] —

Mr. Dudley on leave introduced C. B. No. [illegible] "An Act to provide for the purchase of Law Library for the use of the [illegible] of [illegible] [illegible] — Read 1st and 2d times and on motion of Mr. Anderson the rules were suspended and the Bill referred to the Judiciary Committee —

Mr. Dudley on leave introduced C. B. No. 59 An act to amend an act entitled An [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] of Justice [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] 9 [illegible] Read 1st and 2d times and on motion of Mr. [illegible] the rules were suspended [illegible] engrossed [illegible] 3d time —

The question shall the bill pass, was —
Ayes [illegible] —
Messrs. [illegible], [illegible], [illegible],
Dudley, [illegible], [illegible], [illegible]
[illegible] and Mr. President — [illegible]
Nays. None —
The bill passed —

Mr. Ewing from Committee on Judiciary reported H. B. No. 47 back to the Council and recommended that it be laid on the table

On motion of Mr Buel the report was adopted

Mr. Ewing from Judiciary Committee reported C. B. No. 54 back to the Council with amendments and recommended the adoption of the amendments and the passage of the Bill when amended—

On motion of Mr. Ewing the report with the amendments was adopted—

Mr. Bruce from the committee on Roads and Highways reported C. B. No. 53 back to the Council and recommended its passage

On motion of Mr Anderson

C. B. No. 54 An Act concerning [illegible] — taken up — Rules suspended bill considered engrossed — read 3rd time —

The question being shall the bill pass the vote called—

Ayes. Messrs. Allen, Anderson, Bentley, Ewing, [illegible], [illegible], Bruce ~~[illegible]~~ and Mr. President— 9

Nays. None—

Absent Messrs. [illegible] and [illegible]. 2

So the bill passed

On motion of Mr. Anderson Council Bill No. 20 was recommitted to committee on Finance—

Mr. Anderson from Committee on Finance reported C. B. No. 51 back to the Council with amendments and recommended the adoption of the amendments and passage of the bill as amended-

On motion of Mr. Anderson the amendments to Council Bill No. 51 together with report of Finance committee was adopted—

On motion the Council took a recess

until 2½ oclock P.M.

Afternoon Session

~~2½ oclock P.M.~~

Council Reassembled

2½ oclock P.M.

President in the Chair.

Roll Called - Quorum present
Absent Messrs. Ensign, and Paul -

The President announced that he was about to sign C. B. Nos. 19. 26. 34. 37, and 46 - and H. B. Nos. 25. 30. 39 -

Message from the Governor -

Executive Department
Boise City, I.T.
January 13th 1864 -

To Hon. [illegible]
President of the Council
Idaho Legislature

Sir:
I have the honor to return herewith C. B. No. 26 which I have approved and signed and C. B. No. 16 which I have signed -
I am very respectfully
Your Obt. Servt.
[illegible] signed -
Governor of Idaho Territory -

On motion of Mr. [illegible] the vote by which C. B. No. [illegible] passed was reconsidered.

By unanimous consent the Secretary was instructed to [illegible]

Message from the House -

House of Representatives
Boise City January 15th 1864 -

Mr. President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed substitute for C. B. No. 24 An Act fixing salaries of Officers — Boise County. C. B. No. 38 to appropriate certain sums of money for Charles Ashley. H. M. No. 7 relating to tunnelling the Eagle Mountains. All of which are herewith transmitted —

Henry T. [illegible]
Chief Clerk —
House of Representatives.

On motion of Mr. Ensign the Rules were suspended and C. B. No. 32 An Act to create a Board of County Commissioners in the counties of the Territory and to define their duties and powers was considered engrossed and read 3rd time — The question being Shall the Bill pass —

Roll was called —

Ayes Messrs. Allen, Anderson, Brunner, Leland, Ensign, Howard, Kane, Lamb and Mr. President — [illegible]

Nays None —

Absent Mr. Banks 1

So the Bill passed —

On motion of Mr. Anderson the substitute for C. B. No. 24 was withdrawn —

On motion of Mr. Anderson the substitute for C. B. No. 24 an act fixing the salaries and fees of certain officers in Boise County was read 3rd time by title — The question being Shall the Bill pass —

The roll was called —

Ayes Messrs. Allen, Anderson, Brunner, Leland, Ensign, Howard, Reed, Lamb, Bailey, and Mr. President [illegible]

Nays None —

So the Bill passed —

Mr. Banks from the Committee on Enrolled Bills reported that they had examined C.B. Nos. 14, 34, 46, 57 and 90 and find them correctly enrolled—

Mr. Anderson from the Committee on Finance reported C.B. No. 66 back recommending its passage—

Mr. Anderson from the Committee on Finance reported C.B. No. 46 back and recommended that it be laid on the table—

Mr. Banks from the Committee on printing ~~[illegible]~~ reported C.M. No. 9 as correctly printed—

Message from the House—

House of Representatives
Omaha City Jan. 13th 1869—

Mr. President:

I am instructed to inform your honorable Body that the House has this day under consideration and passed H.R. No. 4 an act creating the office of District Attorney—

H.R. 36 to repeal an act to create Territorial Prison [illegible] H.R. No. 8 [illegible] H.R. No. 16 [illegible] H.R. No. 26 [illegible] of town lots [illegible]

All of which is respectfully submitted—

[illegible]
Chief Clerk
House of Representatives—

On motion of Mr. Evans C.B. No. 36 an act to repeal an act entitled an act to create [illegible] Indian [illegible] and to provide for the care and keeping of [illegible] [illegible] read 3d time—

and the question being shall the Bill pass
Roll Called—
Ayes Messrs. Allen, Anderson, Brunner,
Ensign, Howard, Paul, Vance, Yantis 8
Nays Mr. President— 1
Absent Mr. Dudley 1
So the Bill passed—

Mr. Ensign moved to reconsider the vote by which C. B. No. 36 was passed—
Motion prevailed—

On motion C. B. No. 31 An Act relating to Common Carriers and Insurance Companies was taken up and ordered engrossed—

On motion C. J. M. No. 9 Praying Congress to donate certain lands to the Territory for Penitentiary purposes was read 3d time—

On motion of Mr. Paul the Secretary was ordered to fill blanks in C. J. M. No. 9— The question being shall the Memorial be adopted—
Roll called—
Ayes. Messrs. Allen, Anderson, Brunner,
Howard, Paul, Vance, Yantis
and Mr. President— 8
Nays. None—
Absent. Messrs. Dudley and Ensign 2
So the Memorial was adopted—
Mr. Dudley offered the following resolution—

Resolved—

By the Council that the Secretary of the Council be and he is hereby authorized to appoint a minute clerk to aid him in the discharge of all the duties incident thereto and that said minute clerk be allowed a per diem of eight dollars to be paid out of the Territorial Treasury and the Controller is hereby authorized and directed to draw his warrants on the Territorial treasurer for the amount certified by the President and Secretary of the Council and the same shall be paid out of any moneys in the Treasury not otherwise appropriated

On motion of Mr. Paul the Rules were suspended resolution considered engrossed read 3d time and the question being shall the Resolution be adopted?

Roll called.

Ayes Messrs. Allen Anderson Bunner Howard Paul
Vance Yantis Mr President — 8
Nays — None
Absent Messrs Dudley & Ensign 2 So the resolution was adopted

On motion H B No 44 "An Act to provide for the redemption of and ~~prescribing~~ the manner of redeeming the outstanding warrants drawn upon the Treasurer of Ada County" and further to provide for the payment of all the current expenses of said Ada County" was taken up read 1st & 2nd times and on motion of Mr Anderson H.B. No 44 was made special order for tomorrow at 11 O'clock a m in Committee of the whole

Council took a recess until 7½ O'clock P m

Evening Session

Council Reassembled 7½ o'clock P m

Roll called - quorum present

Message from the House

House of Representatives
Boise City 13th Jany 1869

Mr President

I am instructed to inform your Honorable Body that the House have had under consideration and passed - C M No 11 praying for certain mail facilities - C M No 12 praying for certain mail facilities - C B. No 49 An Act to provide for the payment of certain Books. All of which are herewith transmitted

Henri T. Sayrs
Chief Clerk House of Representatives

The President announced that he was about to sign Substitute for C B No 24. and H B. No 17.

Mr Ensign from Judiciary Committee reported as follows

Mr President

Your Judiciary Committee to whom was referred C.B. No 29. "An Act to amend An Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of the Territory of Idaho" approved December 15th 1864 and the Act amendatory thereto" having had the same under Consideration herewith report back the printed Copy of the Bill with Sections 33. 46. 50. 65, 120. 121. and 505. Stricken out and the typographical and other errors corrected, as a substitute for the Original Bill, and the Committee recommend the immediate passage of the Substitute

All of which is respectfully Submitted

Ensign

Messrs. Allen and Paul from Special Committee reported as follows.

Mr President

Your Special Committee to whom was referred C.B. No 33. have had the same under Consideration, and beg leave to report the Bill back to the Council with the annexed Statement and recommend the passage of the Bill

Allen
Paul

- Statement -

Amt overcharged by Auditor	$479.87
Error in Credit to the assessor	800.00
Amt paid to J. J. May	400.00
Amt paid on Judgement	2300.00
	$4279.87
whole amt of Judgement	4500.00
Bal due on Judgement:	320.13

Mr Howard from Special Committee reported as follows

Mr President

As one of the Special Committee on C.B. No 33. I report back without recommendation

S. P. C. Howard

On motion of Mr Allen the majority report of the Committee on C.B. No 33. "An Act entitled An Act for the relief of Thos Foye late assessor and Tax Collector of Boise County" was adopted.
Bill taken up Considered engrossed. read 3rd time - The question being shall the Bill pass

Roll called

Ayes Messrs Allen Anderson Brunner Dudley Ensign
Paul Vance Yantis + Mr President 9.
Nays - Mr Howard — 1.
So the Bill passed

On motion of Mr Anderson C.B. No 29. "An Act to amend Act entitled An Act to regulate proceedings in Civil Cases in the Courts of Justice of the Territory of Idaho approved Decr 15th 1864 and the act amendatory thereto approved Jany 12th 1866, taken up and substitute for the Bill was adopted - Rules were suspended C.B. No 29. Considered engrossed, read 3rd time by title. The question being shall the Bill pass.

Roll called

Ayes. Messrs. Allen Anderson Brunner Dudley
Ensign Howard Paul Vance Yantis and
Mr President 10.
Nays. None - So the Bill passed

On motion of Mr Paul the Council resolved itself into Committee of the whole on C.B. 39

Mr Anderson in the chair

After considering C.B. No 39. the Committee arose and In Council - President in the Chair -
Mr Anderson from Committee of the whole reported back to the Council C.B. No 39. with amendments and recommend their adoption, and the passage of the Bill as amended - On Motion the report was adopted - Mr Anderson moved that the rules be suspended the printed Copy of C.B. No 39. be substituted for the original Bill, bill be considered engrossed and passed to 3rd reading - Ayes & Nays called
Ayes - Messrs Allen Anderson Brunner. Ensign
Howard Paul Vance Yantis Mr President - 9
Nays - Mr Dudley 1. So the motion prevailed

C.B. No 39. "An Act regulating the Conduct discipline and management of the Territorial Prison"

Read 3rd time - The question being shall the Bill pass - Roll called
Ayes: Messrs Allen Anderson Brunner Ensign
Howard Paul Vance Yantis & Mr President - 9
Nays - Mr Dudley - 1. So the Bill passed.

Mr Dudley gave notice that he would on tomorrow move to reconsider the vote by which C.B. No 39 passed.

Mr Ensign moved that the rules be suspended and substitute for H.B. No 22 be taken up - Ayes & Nays called
Ayes - Messrs Anderson Ensign Howard Paul
Yantis Mr President - 6
Nays - Messrs Allen Brunner Dudley Vance 4
So the motion was lost.

Mr Paul moved to take up H.B. No 22. Ayes and Nays called
Ayes Messrs Anderson Ensign Paul Yantis &
Mr President 5
Nays Messrs Allen Dudley Brunner Howard and
Vance - 5
So the motion was lost

Mr Vance on leave introduced C.B. No 60 "An Act in relation to a Territorial Law Library" read 1st & 2nd times and on motion of Mr Dudley the rules were suspended Bill considered engrossed read a 3rd time The question being shall the Bill pass
Roll called
Ayes - Messrs Allen Anderson Brunner Dudley
Ensign Howard Paul Vance Yantis Mr President - 10
Nays none. So the Bill passed.

Mr Paul on leave introduced C.B No 61. "An Act for the protection of game in Ada County" Read 1st and 2nd times and on motion the Rules were suspended and Bill referred to Committee on Agriculture

C.C.R. No 20 taken up - Amendments reported by Finance Committee adopted - Rules suspended Resolutions considered engrossed read 3rd time— the question being shall the Resolution be adopted— Roll Called

Ayes— Messrs Allen Anderson Bunner Dudley
Enrigo Howard Paul Vance Yantes and
Mr President —10

Nays— None— So the resolution was adopted

On motion of Mr Bunner C.B. No 22 made the special order for tomorrow at 10 O'Clock a.m.

On motion Council adjourned until 10 O'Clock A M tomorrow.

J S Taylor Presdt
of Council

Geo. Ainslie
Secretary

Thirty Ninth Day

Council Chamber
Boise City I.T.
January 16th 1869—

Council met pursuant to adjournment—

President in the Chair—

Roll Called— Quorum present—
Absent— Messrs Howard Paul and Vance—

On call [illegible] of the Council—
Roll called—
Messrs Howard, Paul and Vance—

On motion of Mr [illegible] the further call of the Council was dispensed with—

On motion of Mr Anderson the reading of the Journal was dispensed with—

On motion of Mr Enrigo the Council [illegible] the call of the orders—

Council Reassembled—

President in the chair—

Roll called—Quorum present—
Absent Messrs. Allen, Hadley and Vance—

Mr. Howard moved call of the Council—
Roll called—
Absent Messrs. Allen, Hadley and Vance—

On motion of Mr. Brunner further call of the Council was dispensed with—

On motion of Mr. Anderson the Council resolved itself into Committee of the Whole for the consideration of C.B. No. 22

Mr. Anderson in the chair—

Mr. Taylor offered a substitute for C.B. No 22

Mr. [illegible] offered the following amendment as additional section 3 of the substitute as follows:
"Provided that the provisions of this Act shall not affect the members elect of the fifth session of the Legislative Assembly nor the election which may be called before the general election in 1870"—

On motion of Mr. [illegible] the substitute for C.B. No. 22 as amended was adopted—

After consideration of C.B. No. 22 on motion of Mr. Anderson the Committee arose and

In Council—

President in the chair—
Mr. Anderson from Committee of the whole reported back to the Council the substitute with amendment for C.B. No. 22 and recommended the adoption of the substitute with the amendment and its passage

of the Bill as amended—
On motion report was adopted—
The question being shall the Substitute for H.B. No. 22— "An Act to reapportion the members of the Legislative Assembly of the Territory of Idaho pass—
The Roll was called—
Ayes: Messrs. Allen, Anderson, Benner, Dudley, Ewing, Howard, Paul, Banks, Cante and Mr. President — 10—
Nays: None—
So the Bill passed—

On motion Council took a recess for one hour—

Afternoon Session—

Council reassembled—
2 o'clock P.M.—

President in the Chair—

Roll called—Quorum present—
Absent Messrs. Benner and Dudley—

Journal of yesterday read and approved—

The President announced that he had signed C.B. Nos. 10, 11. & H.B. Nos. 30. 38 and 47—

The Chairman of Committee on Engrossed Bills reported C.B. No. 51 correctly engrossed—

Message from the House—

House of Representatives
Boise City [illegible] Jany 1869

Mr. President:
I am instructed to inform your Honorable Body that the House has had under consideration and passed as amended by the House

H. B. No. 25 An act to provide a uniform System of Territorial Revenue &c —

Frank A. [illegible]
Chief Clerk
House of Representatives

Message from the Governor —

Executive Department —
Boise City, I. T. Jan. 14th 1889 —

To Hon. [illegible]
Prest of Council
Idaho Legislature

Sir —

I have the honor to return herewith Council Bills No. 19. 46 which I have approved and signed Also Council Concurrent Resolution No. 19 and Council Memorial No. 7 which I have signed —

Very Respectfully
Your Obt Servt
[illegible]
Governor of Idaho Territory —

H. B. No. 44 an act to provide for the redemption of and payment of the remainder of the outstanding warrants in the Treasury of Ada County, and providing a tax for the payment of the necessary expenses of said County, which was ~~made~~ the special order at 2 o'clock P. M. [illegible] was postponed until full Council was had —

Mr. [illegible] moved a call of the Council

Vote called upon [illegible] —
[illegible] and [illegible] —

The President announced that he had signed H. B. No. 5 and C. B. No. 12 —

On motion of Mr. Paul the further call of the Council was dispensed with—

Mr. Anderson from Special Committee composed of the Alturas Delegation reported back substitute for H. B. No. 17 and recommended the passage of the Substitute—

Mr. Paul on leave introduced C. B. No. 62 An Act to amend an Act entitled An Act to exempt from forced sale in certain cases—approved Feby 2d 1864 read 1st and 2d times and on motion the Bill was indefinitely postponed—

Messrs. Ensign and Paul offered the following minority report—

The Committee on Judicial Affairs to whom was referred Council Bill No. 58 have had the same under consideration and a majority of said Committee report the Bill back with amendments and recommend the adoption of its amendments and the passage of the bill as amended—

J. E. Ensign
J. B. Paul—

Mr. Allen offered the following minority report.

Mr. President:

Your committee on Judicial Affairs have had under consideration C. B. No. 58 [illegible] [illegible] respectfully report the same back and do not recommend its passage—

N. G. Allen—

On [illegible] Committee [illegible] [illegible] as follows:

Mr. President:

Your Committee for Enrolled Bills have the honor to report that they presented to Governor W. H. Wallace for his approval C. B. Nos. 19. 34. 46 37 and 20 and C. M. No. 7 and C. R. No. 19 at 4 o'clock P.M. Jany 13th 1864—

Faulk Chairman—

Mr. Faulk from Enrolling Committee reported C. Bills Nos. 10. 11 and 12 and C. B. Nos. 30. 49. and 38 correctly enrolled—

Mr. Emerson on leave introduced C. B. No. 63 An act to amend entitled an act an act in relation to the Clerk of the Supreme Court and prescribing his duties— Read 1st and 2d times and on motion the Rules were suspended Bill considered engrossed read 3d time.

The question being shall the Bill pass

Roll called—

Ayes Emerson, [illegible], [illegible], Turner,
[illegible], [illegible], [illegible]
Mr. President 7

Noes None—

[illegible] Dudley [illegible] 3

So the Bill passed—

Mr. [illegible] on leave introduced C. B. No. 64 An act to authorize the County Commissioners of [illegible] County to levy a special tax for county purposes. Read 1st and 2d times and on motion of Mr. [illegible] the Rules were suspended and bill referred to [illegible] delegation

Message from the House—

House of Representatives
[illegible] City [illegible] 1864—

Mr. President:

I am instructed to inform your honorable body that the House [illegible] concurred [illegible] and passed [illegible] No. 27—

An Act to amend An Act to incorporate Boise City—&c—

Substitute for H.B. No. 22 an Act to apportion members of the Legislative Assembly of the Territory of Idaho—

C.B. No. 33 An Act for the relief of [illegible] Fogg late Assessor and collector of Boise County I.T.—

All of which are herewith transmitted—

Henry F. Lay[illegible]
Chief Clerk—
House of Representatives

Mr. Allen reported as follows:—

Mr. President:

Your Committee on Territorial Affairs have had under consideration C.B. No. 57. Respectfully report the same back to the Council and recommend its passage

R. G. Allen—
Chairman—

C.B. No. 44: An Act to repeal An Act entitled An Act for the Benefit of the District Judges of Idaho Territory approved Jan. 11th 1867—taken up

Mr. Allen offered an amendment to said bill—

On motion of Mr. [illegible] the amendment was adopted—

Mr. [illegible] moved the indefinite postponement of the bill— [illegible]

C.B. No. 44 read 3rd time—

The question being shall the bill pass—

Roll called—

Ayes [illegible]

[illegible]

C.B. No. 35 An act to amend An Act

entitled An Act to create a Territorial Prison Commissioner and to provide for the care and safe keeping of Territorial Convicts taken up amended by rider —

The question being upon the adoption of the amendment and the report of the Majority Committee —

Ayes and Nays called for —

Ayes Messrs. Anderson, Banner, Ensign,
Paul, Yantis and Mr. President 6
Nays Messrs. Allen, Dudley, Howard, Vance 4

So the amendment and majority report was adopted —

On motion the Council took a recess until 6 1/2 o'clock P.M. —

Evening Session —

Council Reassembled —
6 1/2 o'clock P.M. —

President in the Chair —

Roll Called Quorum present —

C.B. No. 30 An Act to amend an Act entitled An Act to create a Territorial Prison Commissioner and to provide for the care and safe keeping of the Territorial convicts — On motion of Mr. Howard the Rules were suspended Bill considered engrossed — read 3rd time

The question being shall the bill pass —

Roll called —

Ayes Messrs. Allen, Anderson, Banner,
Dudley, Ensign, Howard,
Paul, Vance, Yantis,
and Mr. President — 10

Nays None —

So the Bill passed —

C.B. No. 149 An Act to regulate the collection of the Revenue and to provide certain funds for the County of Owyhee"

Mr. Yeates moved to amend Section 2 by striking out which motion was lost—

On motion of Mr. Ensign the Rules were suspended Bill read 3d time—

The question being "Shall the Bill pass"

Roll called—

Ayes Messrs. Allen, Anderson, Brunner,
Dudley, Ensign, Howard,
Paul, Vance, Yeates—
and Mr. President— 10

Nays None—

So the Bill passed—

Mr. Brunner on leave introduced C. C. R. No. 22 Providing that F. B. Button Sheriff of Boise County have leave of absence— Read 1st and 2d times and on motion the Rules were suspended Resolution considered Engrossed read 3d time

The question being Shall the Resolution be adopted—

Roll called—

Ayes Messrs. Allen, Brunner, Dudley,
Ensign, Howard, Paul,
Vance, Yeates, Mr. President— 9

Nays None—

Absent Mr. Anderson 1

So the Resolution was adopted—

Mr. Brunner on leave introduced C. C. R. No. 23 Providing [illegible] [illegible] [illegible] and [illegible] read 1st and 2d times and on motion the Rules was suspended and the Resolution referred to Finance Committee—

Mr. [illegible] on leave introduced [illegible] Joint Rule No 15, Read 1st and 2d times and on motion the Rules were suspended the Resolution Considered engrossed read 3rd time— The question being shall the Resolution be adopted— Roll Called

Ayes. Messrs Allen Anderson Brunner Dudley
Ensign Howard Paul Vance Yeates Mr President 10

Nays no

So the Resolution was adopted

Mr Anderson from the Committee on Finance reported as follows

Mr President

Your Finance Committee to whom was recommitted C.B. No 15. "An Act relating to common carriers and insurance Companies" herewith report the same back with an amendment and recommend the adoption of the amendment, and the passage of the Bill with the amendment

Anderson Chairman

Mr Ensign on leave introduced C.B. No 65. "An act for the relief of S. R. Howlett for services rendered to the Territory" Read 1st & 2nd times and on motion the Rules were suspended and Bill referred to the Finance Committee

Mr Brunner on leave introduced C.C.R. No 23 "providing for Compensation of Secretary of the Council and chief Clerk of the House of Representatives for extra services". Read 1st and 2nd times and on motion the Rules were suspended and referred to Finance Committee

On motion of Mr Ensign the Report of the committee on mileage was adopted

C.B. No 57. "An Act to provide for the publishing the Laws of the Fifth Session of the Legislative Assembly of Idaho Territory" taken up, and on motion of Mr Ensign the Rules were suspended the Bill Considered engrossed read a 3rd time by title The question being shall the Bill pass Roll Called

Ayes — Messrs Allen Anderson Brunner Ensign Vance Yantis 6
Nays — Messrs Howard & Mr President 2
absent Mess — Dudley & Paul 2.
So the Bill passed

C.B. No 22. "An Act to suppress Houses of Ill fame"
Mr Vance moved the Rules be suspended the Bill Considered engrossed & read 3rd time —
Mr Dudley moved to indefinitely postpone. Ayes and Nays called for
Ayes — Messrs Brunner Dudley Ensign Howard Mr President 5
Nays. Messrs — Allen Anderson Vance Yantis 4
absent — Mr Paul. 1
So the Bill was indefinitely postponed

C.B. No 25" An Act to provide a uniform system of Territorial and County Revenue &c" taken up, on motion of Mr Dudley the amendments made by the House were concurred in - The question being shall the Bill as amended pass - Roll called
Ayes - Messrs Allen Anderson Dudley Bunner Ensign
Howard Vance Yaunts & Mr President - 9
Nays - None -
Absent - Mr Paul 1, So the Bill passed

On motion of Mr Bunner C.B. No 17. was withdrawn

C.B. No 51. "An Act relating to Common Carriers and Insurance Companies" was amended - Mr Anderson moved to adopt the amendments - Ayes and Nays were Called for
Ayes - Messrs Anderson Bunner Dudley Ensign Paul Yaunts - 6
Nays Messrs Allen Howard Vance Mr President 4
So the amendments were adopted
On motion of Mr Anderson the Rules were suspended the Bill as amended Considered engrossed read 3rd time - The question being shall the Bill pass
Roll Called
Ayes - Messrs Allen Anderson Bunner Dudley Ensign Paul & Yaunts 7
Nays Messrs - Howard Vance Mr President 3
So the Bill passed

Mr Allen gave notice that on tomorrow he would move to reconsider the vote by which C.B. No 51 passed

The President announced that he was about to sign the substitute for C.B. No 22.

C.B. No 64. "An Act to authorize the County Commissioners of Boise County to levy a special tax for County purposes" ~~was~~ taken up, and on motion of Mr Bunner the Rules were suspended the Bill considered engrossed read 3rd time - The question being shall the Bill pass - Roll called
Ayes - Messrs Allen Anderson Bunner Dudley Ensign
Howard Paul Vance Yaunts Mr President 10
Nays - None - So the Bill passed

C.B. No 55. "An Act to appropriate the sum of $1000 for the benefit of F. G. Settle" Mr Vance moved to indefinitely postpone - Ayes and Nays called for -

Ayes Messrs Allen Howard Vance Mr President - 4
Nays Messrs Anderson Brunner Dudley Ensign Paul and Yantis - 6
So the motion to indefinitely postpone was lost

On motion the Rules were suspended C.B. No 55 Considered engrossed read 3rd time - The question being shall the Bill pass. Roll called
Ayes: Messrs Anderson Brunner Ensign Paul Yantis - 5.
Nays Messrs Allen Dudley Howard Vance Mr President 5.
So the Bill was lost

On motion of Mr Dudley the Rules were suspended C.B. No 25 relating to the Revenue Law was considered enrolled and the Bill as passed be transmitted to the enrolling Committee

Mr Vance on leave introduced C.C.R. No 26. authorizing ~~the~~ Chairman of Special Committee to continue examination of Treasurer and Controllers Books after expiration of the Session - On motion the Rules were suspended Resolution Considered engrossed read 3rd time The question being shall the Resolution be adopted
Roll called
Ayes - Messrs Allen Anderson Dudley Ensign Howard Paul Vance Yantis Mr President 9
Nays Mr Brunner 1.
So the Resolution was adopted

Mr Anderson gave notice that on tomorrow he would move to reconsider the vote by which C.C.R No 26. was adopted

Messages from the House

House of Representatives
Boise City 14th Jany 1869

Mr President

I am instructed to inform your Honorable Body that the House has had under Consideration and passed C.B. No 32. to Create Bd Ed Com &c as amended by the House -
C.B. No 52. "An Act authorizing Collection of Special tax in Alturas County"
C.B. No 59. "An Act relating to maintaining Courts of Justice &c" All of which are herewith transmitted

Hume F Hays
Chief Clerk House of Representatives

House of Representatives
Boise City 14th Jany 1869

Mr President,

I am instructed to inform your Honorable Body that the House have had under consideration and concurred in Council Amendments to H.B. No 44. Also that they have considered and passed C.B. No 60 An Act relative to Territorial Law Library. Also C.C.R. No 20 to pay P E Edmondson $100 - C M No 9 for donation of Penitentiary site - Also that the House has adopted C Substitute for H B No 27 relating to time of commencing civil actions - Also that the House has passed H.C.R. No 9 giving extra compensation to certain officers - Also C.B. No 29. An Act to amend an act to regulate proceedings in Civil Cases - Also that the House has had under consideration and refused to pass C.B. No 42 [illegible] the relief of Mr Carpenter - Also C.B No 48 An act in relation to redeeming warrants Alturas County - Also C.B. No 64 An act to authorize Board of Co Commissioners Boise County to collect special tax - All of which are herewith transmitted

Henri F. Sayrs
Chief Clerk House of Representatives

Substitute for H.B. No 17. An act to amend an act entitled An act to incorporate South Boise Wagon Road approved Jany 7th 1867. Mr Anderson moved to adopt the substitute - Ayes & Nays being called for. Ayes - Messrs Anderson Bunner Ensign Paul Yantis - 5
Nays - Messrs Allen Howard Vance 3
Absent Mr Dudley 1.
Excused Mr President & So the Substitute was adopted

On motion of Mr Anderson the Rules were suspended Substitute for H.B. No 17. read 3rd time - The question being Shall the Bill pass.
Ayes - Messrs Anderson Bunner Ensign Paul Yantis - 5
Nays Messrs. Allen Howard Vance 3
Absent Mr Dudley 1.
Excused Mr President & So the Bill passed

Mr Paul moved to reconsider the vote by which the substitute for H.B. No 17. was adopted - Ayes and Nays called for
Ayes. Messrs Allen Howard Vance 3
Noes. Messrs Anderson Bunner Ensign Paul Yantis 5

Absent Mr Dudley 1.
Excused Mr President 1 So the motion was lost.

C.B. No 32. "An Act to Create a Board of County Commissioners in the Counties of this Territory and to define their duties and powers" taken up - On motion of Mr Ensign the amendments made by the House were adopted and on motion the rules were suspended the Bill as amended Considered engrossed - read 3rd time The question being shall the Bill pass - Roll called
Ayes. Messrs Allen Anderson Brunner Dudley Ensign Howard Paul Vance Yantis Mr President 10
Nays - None - So the Bill passed

On motion of Mr Dudley the Enrolling Clerk was instructed to commence the enrollment of C.B. No 32. immediately

C.C.R. No 20. relating to the payment of Boise City Postmaster - On motion the Rules were suspended Resolution Considered engrossed - read 3rd time The question being shall the resolution be adopted Roll called
Ayes - Messrs Allen Anderson Brunner Dudley Ensign Howard Paul Vance Yantis Mr President 10
Nays - None - So the Resolution was adopted

H.C.R. No 9. appropriating moneys to pay certain Attaches of the Legislative Assembly - read 1st and 2nd times and on motion the rules were suspended and referred to Finance Committee

Mr Paul offered the following report

Mr President
Your Committee on Agriculture would respectfully report that they have examined Council Bill No 61. and report the same back with amendments and recomend that the Bill pass as amended.

C.B. No 61. An Act for the protection of Game in Ada County taken up, On motion of Mr Paul the Rules were suspended the Bill Considered engrossed read 3rd time The question being shall the Bill pass Roll called
Ayes Messrs Allen Brunner Dudley Ensign Paul Vance 6
Nays Messrs Howard Anderson Yantis Mr President 4
So the Bill passed

Mr Anderson from the Committee on Finance reported as follows. Mr President — Your Finance Committee to whom was referred H.C.R. No 9 hereby report that they have had the same under consideration and herewith report the same back and recommend its passage. Anderson Chrm

H.C.R. No 9. Relative to appropriating certain moneys to the attaches &c". On motion the rules were suspended read 3rd time. The motion being Shall the resolution be adopted — Roll called
Ayes - Messrs Allen Anderson Dudley Paul Vance Yantis 6
Nays - Messrs - Ensign Howard Mr President 3
Absent Mr Bunker So the resolution was adopted

C.B. No 53. An Act to amend an act entitled an Act Concerning Roads Highways Trails and Public Thoroughfares approved January 30th 1864" Returned on motion the Rules were suspended Bill considered engrossed read 3rd time - The question being Shall the Bill pass. Roll Called
Ayes Messrs. Allen Anderson Bunker Dudley Ensign Howard Paul Vance Mr President 9
Nays - None Absent Mr Yantis 1
So the Bill passed

H.M. No 7. Praying Congress for appropriation to assist George Collier Robbins in excavating a tunnel in War Eagle Mountain Owyhee County I.T. read 1st & 2nd times On motion of Mr Ensign the rules were suspended, the memorial read 3rd time - The question being Shall the memorial be adopted - Roll called
Ayes. Messrs Allen Anderson Bunker Dudley Ensign Howard Paul Vance Yantis Mr President 10
Nays - None So the memorial was adopted

Mr Ensign on leave introduced C.M. No 13 "Praying Congress to reduce the prices on C.P.R.R. Company read 1st & 2nd times, and on motion of Mr Ensign the rules were suspended the memorial considered engrossed and Printed - read 3rd time - The question being Shall the memorial be adopted Roll called
Ayes. Messrs. Allen Anderson Bunker Dudley Ensign Howard Paul Vance Yantis Mr President 10
Nays none - So the memorial was adopted

Mr Anderson from Finance Committee reported as follows

Mr President

Your Committee on Finance to whom was referred C C R no 23 hereby report the same back, with an amendment and recommend the passage of the Resolution as amended

Anderson Chmn

On motion of Mr Anderson the amendment to C C R 23 was adopted— On motion of Mr Anderson the Rules were suspended resolution considered engrossed read 3rd time— the question being shall the Resolution be adopted— Roll called

Ayes— Messrs Allen Anderson Bunner Dudley Ensign Howard Paul Vance Yantis Mr President 10

Nays none— So the resolution was adopted

On motion of Mr Anderson the Council resolved itself into executive session—

Council Reassembled
President in the Chair

On motion of Mr Anderson the Council adjourned—

J S Taylor Presdt
of Council

Geo Ainslie
Secretary—

Fortieth Day—

Council Chamber
Boise City I.T.
January 15th 1867—

Council met pursuant to adjournment

President in the Chair

Roll called— quorum present—

The President announced that he was about to return C B's no 20 and 36 also

C. M. No. 8 and H. B. No. 9 —

On motion of Mr. Anderson the reading of the Journal was dispensed with —

Mr. Anderson offered the following C. R.

Be it Resolved by the Council that Council Bills Numbers 31, 48, 29, 52, 60, 32, 64, 59, C. M. No. 9, and C. C. R. No. 28 be and the same are hereby considered enrolled and the said Bills as they are now in the hands of the enrolling clerk be considered for all purposes as the enrolled Bills and that the said Bills be signed by the presiding officers and presented to the Governor as the enrolled Bills —

On motion of Mr. Anderson the Resolution was adopted —

Mr. Reed on leave introduced C. C. R. No. 30 [illegible] appropriation to the [illegible] which was read 1st and 2nd times and on motion of Mr. Reed the Rules were suspended the Resolution considered engrossed read 3rd time —

The question being shall the Resolution be adopted —

Yeas called —

Ayes. Messrs. [illegible], [illegible], Anderson, [illegible], [illegible], Howard, Reed and Mr. President — 8

Nays none —

Absent Messrs. [illegible] and [illegible] — 2

So the Resolution was adopted —

Mr. [illegible] on leave introduced C. C. R. No. 28 granting extra compensation to [illegible] and [illegible] Clerks of the Council which was read 1st and 2nd times and on motion of Mr. Anderson the Rules were suspended the Resolution considered engrossed and read 3rd time —

The question being shall the Resolution be adopted —

Roll Called —

Ayes. Messrs. Allen, Anderson, Bunner, Paul, Vance, Crutcher — 6

Nays. Messrs. Dudley, Ensign, Howard, and Mr. President — 4

So the Resolution was adopted —

On motion of Mr. Anderson the Council took a recess for 1/2 hour —

Council Reassembled —

President in the Chair —

Roll Called —

Present Messrs. Anderson, Bunner, Howard, Paul and Mr. President

Absent Messrs. Allen, Dudley, Ensign, Vance, and Crutcher —

Mr. Howard moved call of the Council

Roll called —

Absent Messrs. Allen, Dudley, Ensign — 3

On motion of Mr. Howard further call of the Council was dispensed with —

The President announced that he was about to sign C.B.'s Nos. 59, 48, 64, 63, 52, 31, 32, 27, C.J.R. No. 20, C.M. No. 9 and H.B. No. 44 —

On motion the names of the members of the Council and House of Representatives were stricken out of C.M. No. 9

Message from the House —

House of Representatives —
Boise City, Jan. 14th 1864 —

Mr. President:

I am instructed to inform your Honorable Body that the House has unanimously concurred in and passed C.B. No. 54 entitled concerning corporations. Also that the House has passed a Resolution inviting the Council to meet them in Joint Convention on Friday Jan. 15th at 2 o'clock P.M. for the purpose of hearing the address of the Chaplain of the Legislature and for the transaction of such other business as may come before the Convention —

Henri F. Lays.
Chief Clerk
House of Representatives —

House of Representatives
Boise City Jan. 13th 1869 —

Mr. President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed ~~[illegible]~~ H. R. No. 25 Providing ~~[illegible]~~ payment to Boise Co. P. M —

C. B. No. 63 An Act relating to Clerks of the Supreme Court —

H. B. No. 53 An Act to Homesteads.

C. B. No. 54 to amend An Act relating to Commissioners [illegible] Boise and Alturas Counties —

All of which are herein transmitted —

Henri F. Lays.
Chief Clerk.
House of Representatives.

Mr. [illegible] from the Committee on Incorporations reported [illegible] C. B. No. [illegible] and recommended its indefinite postponement — [illegible]

Mr. [illegible] from the Committee on Internal Improvements reported back H. R. No. [illegible] with a substitute and recommended the indefinite postponement of the bill and the passage of the substitute —

Substitute for C. B. No. 60 An Act to improve the Capitol grounds and other public property in the town of Boise City

On motion of Mr. Ensign the Substitute for C.B. No. 53 was accepted—

On motion of Mr. Ensign the Rules were suspended Bill considered engrossed & read 3d time

The question being Shall the Bill pass

Roll called—

Ayes. Messrs. Allen, Anderson, Brunner,
Ensign, Howard, Paul,
Vance, Brooks— 8
Nays Mr. President— 1
Absent—Mr. Dudley— 1

So the Bill passed—

Mr. Brooks from Committee on Enrolled Bills reported C.B. Nos. 4, 44, 85 and 86 and C. Mem. No. 8 correctly enrolled—

Mr. Dudley offered the following resolution—

Resolved—

By the Council that the Secretary be and he is hereby empowered to employ such assistance for the enrolling clerk as he may deem necessary. And that the Territorial Auditor is authorized and directed to draw his warrant in ordinary manner for the amount found and certified as due such assistance employed by the Secretary of the Council— read 1st and 2d times and on motion the Rules were suspended, Resolution read 3d time—

The question being Shall the Resolution be adopted—

Roll called—

Ayes Messrs. Allen, Anderson, Dudley,
Ensign, Howard, Paul,
Brooks, Vance and
Mr. President— 9.
Noes None—
Absent—Mr. Brunner— 1

So the Resolution was adopted—

Message from the Governor—

Executive Department—
Boise City, I.T. Jan 15th 1869

To Hon. J. S. Taylor,
Prest. of Council
Idaho Legislature

Sir:

I have the Honor to return herewith Council Bill 36. 37 which I have approved and signed—

Very Respectfully
Your Obt. Servt.
D. W. Ballard—
Governor of Idaho Territory—

C. B. No. 56 An Act to provide ~~[illegible]~~ for the Payment of Territorial Printing— Taken up on motion the Rules were suspended Bill considered engrossed read 3d time—

The question being shall the Bill pass—

Roll called—

Ayes. Messrs. Alley, Anderson, Dudley,
Cummins, Howard, Paul,
Rice, Smith & Mr President 9
Nays. [illegible] Mr. Bonner 1

So the Bill passed—

Council took a recess for 1/2 hour—

Council Reassembled—

President in the Chair—

Roll called— Quorum present—

Mr. Anderson on motion introduced C. R. No. 14 granting leave of absence to J. B. Butler, read 1st & 2nd time on motion the Rules were suspended the Resolution considered engrossed read 3d time—

The question being shall the Resolution be adopted—

Roll called—

Ayes. Messrs. Allen, Anderson, Dudley,
Ensign, Howard, Rudd,
Vance, Vautis and Mr. President 9
Nays. None —
Absent Mr. Bunner 1
So the Resolution was adopted —

Mr. [illegible] introduced C. B. No. 66 An Act to provide for the publication of the Laws of the Fifth Session of the Legislature of Idaho Territory —

Read 1st and 2nd times and on motion the Rules were suspended Bill considered engrossed read 3rd time —

The question being then the Bill pass —

Roll called —
Ayes. Messrs. Allen, Anderson, Dudley,
Ensign, Vance, Vautis — 6
Nays. Messrs. Howard Rudd and Mr. President 3
Absent Mr. Bunner — 1.
So the Bill passed —

The President announced that he was about to sign C. B. No. 4 and H. B. No. 7 —

H. B. No. 53 An Act to amend the Act entitled An Act to exempt the Homestead and other property from forced sale in certain cases approved Feb 2d 1864 — read 1st and 2nd times and on motion the Rules were suspended passed 3rd time —

The question being then the Bill pass —

Roll called —
Ayes. Messrs. Allen, Anderson, Dudley,
Vance, Vautis 5
Nays. Messrs. Ensign, Howard, Rudd
and Mr. President 4
Absent Mr. Bunner. 1
So the Bill passed

Mr. [illegible] from Special Committee reported as follows:

Mr. President:

The Councilman from Owyhee to whom was referred House Bill No. 21 has had the same under consideration and report the same back with the remonstrance signed by the citizens of Owyhee County and recommends that the Bill be indefinitely postponed —

Ensign of Owyhee —

Mr. Ensign moved to adopt the report
Ayes and Nays being called for —
Ayes. Messrs. ~~[illegible]~~, Ensign, Paul
Vance Mr. President — 4
Nays. Messrs. Allen, Anderson, Dudley
Howard, [illegible] — 5
So the motion was lost —

Mr. Anderson moved to amend by striking out "Boise City" and inserting "Alpeyville"
Ayes and Nays called for —
Ayes. Messrs. Allen, Anderson, Dudley
Howard, Paul, [illegible] — 6
Nays. Messrs. Ensign, Vance, and
Mr. President 3
Absent - Mr. Brenner — 1
So the amendment was adopted —

Message from the House —

House of Representatives
Boise City 16th Jan. 1869 —

Mr. President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed C. R. No. 23 Providing extra compensation &c as amended in the House. H. R. No. 10 Providing for Extra Compensation, also, that the House has adopted Council substitute for H. B. No. 17 An Act relating to [illegible] Wagon Road —
Also — C. R. No. 28 Providing increased

Compensation — Also C.B. No. 5[illegible] providing for payment of certain premiums—
Also C. Mem. No. 3 [illegible] Congress to regulate tariffs, Central Pacific Railroad—
Also C.B. No. 50 An Act to authorize the Ter. Treas. to issue duplicate Bonds
Also— C.C.R. No. 27 to pay Jno Carpenter
All of which are herewith transmitted

Henry Y. Lewis
Chief Clerk
House of Representatives

H.B. No. 21 an Act to change the name of Owyhee [illegible] in First District Owyhee County Idaho Territory — read 3d time—

The question being shall the Bill pass—

Roll called—
Ayes Messrs Allen, Anderson, Dudley, Howard — 4
Nays Messrs Cavanaugh, Paul, Jones, Poutie and Mr. President — 5—
So the Bill was lost—

Mr. Anderson from Committee on Finance reported as follows;

Mr. President:

Your Finance Committee to whom was referred C.B. No. 65 beg leave to report the same back and ask that Mr. Terrill and [illegible] be allowed to appear before the Council and explain the object and the merits of the Bill—

Anderson.
Chairman—

On motion of Mr. Anderson the report of Finance Committee was adopted—

Message from the House—

House of Representatives
Boise City, I.T. 10th Jan. 18[illegible]

Mr. President:

I am instructed to inform your Honorable Body, that the House has had under consideration and rejected ~~the~~ Substitute for C. B. No. 30 Also C. B. No. 61 An Act for the protection of Game—

Henry L. Hays
Chief Clerk
House of Representatives—

C. B. No. 65 An Act for the relief of L. K. Harvell for services rendered the Territory. On motion the Rules were suspended Bill considered engrossed read 3d time.

The question being shall the Bill pass
Roll called—
Ayes Messrs. Anderson, Brunner,
Ensign, Paul, Vance,
Yandles and Mr. President—7
Nays Messrs. Allen and Howard—2
So the Bill passed—

The President announced that he was about to sign H. B. No. 54—

Mr. Anderson on leave introduced Substitute for C. B. No. 38 An Act to amend an act entitled An Act to make a Territorial Prison Commissioner and provide for the care and safe keeping of Territorial convicts, read 1st and 2d times and on motion of Mr. Anderson the Rules were suspended the Substitute considered engrossed read 3d time—

The question being shall the Bill pass—
Roll called—
Ayes Messrs. Allen, Anderson, Brunner,
Ensign, Howard, Paul,
Yandles and Mr. President 8
Nays Mr. Vance—
So the Bill passed—

Mr. Anderson on leave introduced

C. M. No. 44 Praying the Secretary of the Treasury to instruct Col. Revenue Collector to place $20 000. in his hands to pay drafts &c. read 1st and 2d times and on motion of Mr. Anderson the Rules were suspended memorial considered engrossed read 3d time—

The question being shall the Memorial be adopted—

Roll called—

Ayes. Messrs. Allen, Anderson, Banner,
Dudley, Ensign, Howard,
~~none—absent~~ Paul, Vance Mr. President. 9
Nays, Mr. Yank 1
So the memorial was adopted—

Mr. Allen gave notice that he would move to reconsider the vote by which C. B. No. 81 passed—

Council took a recess—

Council Reassembled—
President in the Chair—

H. R. No. 23 Providing ~~for~~ compensation of Secretary of the Council and Chief Clerk of House of Representatives &c. amended by the House and amendments concurred in by the Council—

C. J. R. No. 8 Directing [illegible] Territorial Treasurer [illegible] Warrant to the Caveat in said Office read 1st and 2d times and on motion the rules were suspended— read 3d time

The question being shall the Resolution be adopted—

Roll Called—

Ayes. Messrs. Allen, Anderson, Banner,
Ensign, Howard, Paul,
Vance, Yank Mr. President 9
absent Mr. Dudley 1
So the Resolution was adopted—

H. R. No. 33 [illegible]
[illegible]

provide money for its support — read 1st and 2d times and on motion the Rules were suspended read 3d time —

The question being shall the Bill pass

Roll Called —

Ayes Messrs Allen, Anderson, Burnes,
Eddings, Howard, Paul,
Tootle — 7

Nays Messrs Dudley and Mr President — 2

So the Bill passed — Absent Mr Vance

H. B. No. 16 An Act to amend An Act entitled an Act to levy a tax of one per cent of the Gross products of Toll Roads & Bridges in this Territory — & constitute a general school fund — read 1st and 2d times, on motion of Mr Paul the Rules were suspended read 3d time —

The question being shall the Bill pass —

Roll Called —

Ayes Messrs Allen Burnes Dudley
Howard, Paul, Vance,
Mr President — 7

Nays Messrs Anderson Eddings, Tootle 3

So the Bill passed —

H. B. No. 30 An Act to amend An Act entitled An Act [illegible] [illegible] the [illegible] Wills and [illegible] approved Jan. 3 1866 and the act amendatory thereof approved Dec 24th 1866. read 1st and 2d times and on motion the Rules were suspended read 3d time

The question being shall the Bill pass

Roll Called —

Ayes Messrs Allen, Burnes, Dudley,
Eddings, Howard, Paul,
Tootle and Mr President — 8

Nays Messrs Anderson and Vance — 2

So the Bill passed —

H. B. No. 4 An Act to [illegible] ~~the~~ [illegible] of some [illegible] [illegible] Deeds and the [illegible] [illegible] read 1st and 2d times, and on motion the Rules were suspended — read 3d time —

The question being shall the Bill pass

Roll called –
Ayes. Messrs. [illegible], Hurley, Howard,
Paul, Rinde, Yantis – 6
Nays. Messrs. Miller, Anderson, Lucas,
Mr. President – 4
So the bill passed –

Mr. Paul gave notice that at 11 1/2 o'clock to-night he would move to reconsider the vote by which H.B. No. 9 was passed –

H.B. No. 58 An Act to authorize the Territorial Treasurer to issue duplicate Bonds in lieu of ones lost or destroyed read 1st and 2d times and on motion of Mr. Anderson the bill was indefinitely postponed –

The President announced that he was about to sign H.B. No. 34 and C.B. Nos. 27 and 28 –

H.B. No. 26 An Act to encourage [illegible] in lieu of [illegible] in this Territory [illegible] the disposition of [illegible] read 1st and 2d times and on motion the rules were suspended read 3d time

The question being, shall the bill pass
Roll called –
Ayes. Messrs. Miller, Anderson, [illegible],
Lucas, [illegible], Jones,
Mr. President – 7
Nays. Messrs. Howard, Paul, Yantis ~~[illegible]~~ 3
So the bill passed –

The President announced that he was about to sign C.B. 23 –

Mr. [illegible] from Enrolling Committee reported as follows:

Mr. President:

The Committee on Enrolled Bills would [illegible] report [illegible] presented to his excellency Governor [illegible]
[illegible]

approval C.B. Nos. 38, 30, 36, 25, 46, 52, 48, 32, 29, 60, 31, 64, 59, and 33 also C.C.R. No. 20 and C.M. No. 9 at 2 o'clock P.M. January 15th 1869.

Yantis Chairman—

Mr. President:

The Committee on Enrolled Bills respectfully report that they have examined C.C.R. No. 25, 28, 27, and 23 and C.B. No. 64 and find the same correctly enrolled—

Yantis Chairman—

Mr. Ewing from Judiciary Committee reported House Bill No. 42 C.R. No. 23 back and recommend that they be laid upon the table—

On motion the report was adopted—

Mr. Dudley, by leave introduced C.C.R. No. 30 relating [illegible] of the Legislature to Hon. [illegible] read 1st and 2d times and on motion of Mr. Anderson the Rules were suspended Resolution considered engrossed read 3d time—

Question being shall the Resolution be adopted—

Vote called—

yeas Messrs. [illegible] Allen, Anderson, [illegible] Dudley, Ewing, Howard, [illegible] [illegible] Yantis and Mr. President— 10

Nays None

So the Resolution was adopted—

On motion of Mr. [illegible] the Council [illegible] until 2 o'clock P.M.

Evening session—

2 o'clock P.M.—

Council convened—

The President in the Chair—

Roll called. Quorum present—

[illegible] Messrs. [illegible] Anderson, and Bunce

The Journal of yesterday was read and approved—

Message from the Governor—

Executive Department
Boise City January [illegible] 1867—

To the Hon. the President
of the Council
Idaho Legislature

Sir:

I have the honor to return herewith Council Bills Nos. 25 30 31, 32, 38, 49, 52, 34 59, [illegible] [illegible] [illegible] and 60 which I have approved and signed— I also return herewith Council Joint Res. No. 49 which I have approved and signed— The following Council Memorials Nos. 20 22, 23, 27 and 28 and Joint Resolutions Nos. 6, 11 and 12 I have signed—

Very respectfully
Your Obt. Servant
D. W. Ballard—
Governor of Idaho Territory—

On motion of Mr. [illegible] the Council [illegible] [illegible] [illegible] [illegible] [illegible] place and [illegible] [illegible] [illegible]—

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] and [illegible] [illegible] reconsideration [illegible] [illegible] [illegible] [illegible] [illegible]—

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]—

[illegible] [illegible] [illegible] [illegible] [illegible]—

[illegible] [illegible] [illegible]—

[illegible] [illegible], [illegible] [illegible],
[illegible] [illegible] [illegible], 6
[illegible] [illegible] [illegible] [illegible], [illegible],
and [illegible] [illegible]— 4

So the Resolution was adopted—

On motion of Mr. [illegible] S. B. No. 30 was again [illegible] [illegible] [illegible] and made [illegible] of the [illegible] [illegible] [illegible]

Message from the House —

House of Representatives
[illegible] 16th Nov 1864 —

Mr. President:

I am instructed to inform your Honorable Body that the House has had under consideration and passed H. B. No. [illegible] for purchase of Law Library for use of the Supreme Court; S. B. No. 60, An Act for the relief of J. W. [illegible] [illegible] —
Also H. B. No. 66 for Printing Laws —
[illegible] —
[illegible] Clerk
House of Representatives —

The President announced that he [illegible] S. B. No. 33 —

[illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] [illegible] was taken up — read 1st time, and 2nd [illegible] the bill [illegible] —
The question [illegible] that the vote be rejected [illegible] [illegible] and S. B. No. 30 was [illegible] —

On motion of [illegible] the [illegible] H. B. No. 27 [illegible] [illegible] [illegible] [illegible] read and considered [illegible] ordered for [illegible] [illegible] at [illegible] [illegible] —

Message from the House —

Mr. President:

I am instructed to inform your Honorable Body that the House has under consideration and pass

C. B. No. 39. An Act regulating the management of Territorial Prison—
Also H. B. No. 63 An Act amending An Act concerning roads &c. Also C. C. R. No. 29 granting leave of absence to J. B. Butler
Also C. B. No. 57 An Act relating to common carriers—
All of which are herewith transmitted

Henry E. Lay
Chief Clerk
House of Representatives

House Memorial No. 6 Praying for the establishment of mail route from Idaho City in Boise County, Idaho Territory to Gold Hill and Wagner City in said county—was taken up & read 1st and 2d times—
On motion the rules were suspended read 3d time—
The question being shall the Memorial be adopted—
Roll was called—
Ayes Messrs. Allen, Anderson, [illegible],
Eddy, Howard, Paul,
[illegible], [illegible] and Mr. President 9
Nays None—
Absent Mr. Butler—
So the Memorial was adopted—

On motion of Mr. Anderson the report of the Finance Committee on C. B. No. 49 was adopted—and the bill was laid on the table—

On motion of Mr. [illegible] the report of the Committee on Education on [illegible] was adopted and the bill was unanimously passed—

On motion of Mr. [illegible] the report of the Judiciary Committee on C. B. No. 12 was adopted and the bill was unanimously passed—
Mr. Jenkins from Committee on Enrolled Bills reported as follows— Mr. President:

On Enrolled Bills

The Committee [illegible] [illegible] report that they presented to his excellency Governor D. W. Ballard for his approval C. B. Nos. 28, 23, 25, and 27 and [illegible] No. 34 at 6 o'clock P. M. January 16th 1867.

[illegible] Chairman

On motion the Council took a recess subject to the call of the Chair —

Council Reassembled —

President in the Chair —

Members also present —

The President announced that he was about to sign H. B. Nos. 56 and 66 substitute for C. B. No. 17, C. M. R. No. 29, and C. M. No. 13 —

Mr. Anderson on leave introduced C. M. R. No. 31 authorizing the Governor to take [illegible] of the Equestrian Statue of Washington — read 1st and 2nd times — Rules suspended considered engrossed and 3rd time —

The question being shall the resolution pass? —

The roll was called —

Ayes. [illegible], [illegible], Anderson, Brunney, [illegible], Gregory, Howard, [illegible], [illegible], and Mr. President — 9

Nays. None — Absent Mr. [illegible] 1

So the resolution passed —

Message from the House —

House of Representatives
Boise City, Jan 16th 1867 —

Mr. President:

I am instructed to inform your honorable body that the House has had under consideration and passed C. M. R. No. 31 [illegible] [illegible] [illegible] —

"C. J. M. No 14 Praying Secretary of Treasury to instruct U. S. Revenue Collector to return 20,000 dollars on Tax Levied by Congress 1865 &c also H. B. No 35 An Act to amend An Act entitled An Act to create a Territorial Prison Commissioner &c as amended by the House and concurrence of the Council is asked thereto —

All of which are herewith transmitted
Henry T. Layne.
Chief Clerk.
House of Representatives

Message from the Governor —

Executive Department —
Boise City I. T. Jan. 15th 1869

To. —
Hon. I. S. Taylor,
Prest. of the Council
Idaho Legislature

Sir:

I have the honor to return herewith —
Council Bill No. 33 which I have approved and signed

Very Respectfully
Your Obedient Servant.
D. W. Ballard
Governor of Idaho Territory

Substitute for C.B. No 35 was taken up and on motion the Council concurred in House amendment thereto.

The President announced that he was about to sign C.B.s No 06. & 39.

Council took a recess subject to call of the chair.
Council Reassembled

Message from the Governor
Executive Department
Boise City I. T. Jany 18th 1869.

To Hon I. S. Taylor
Prest of the Council
Idaho Legislature } Sir — I have the honor to return

herewith Council Bills Nos. 20. 30. 48. and No 64 which I have approved and signed

Very Respectfully
Your Obedient Svt
D.W. Ballard
Governor of Idaho Territory

Message from the House
House of Representatives
Boise City 15th Jany 1869

Mr President — I am instructed by the House to inform Your Honorable Body that the House has had under consideration and indefinitely postponed C.C.R. No 26 Authorizing Chairman of Special Committee to continue examination &c. and have also considered and passed C.C.R. No 31. authorizing Gov. to take care of Equestrian Statue.
Henri F. Sayrs
Chief Clerk House Representatives

On motion of Mr Anderson the original copy of C.C.R. No 31. was ordered considered and for all purposes used as the enrolled resolution.

On motion of Mr Anderson C.B. No 51. as passed was ordered to be used, considered, and stand for all purposes as the Enrolled Bill.

The President announced that he was about to sign H.B.s Nos 26. 29. 54. 16 and 38. H.C.R. No 8 H.M. No 6 C.M. No 14 C.B. No 65, C.C.R. No 31. and substitute for C.B. No 35—

Council took a recess subject to call of the Chair.

Council Reassembled — President in the Chair — Members all present

The President announced that he was about to sign C.B. Nos. 51. and 53 and C.C.R. No 30

Mr Yantis from Committee on Enrolled Bills reported as follows Mr President — The Committee on Enrolled Bills have the honor to report that they ~~have~~ presented to his Excellency Governor D.W. Ballard for his approval C.B.s Nos. 66. 56. 65 & 63 & 53 and substitute for H.B. No 17 & C.M.s Nos. 14 & 13. and C.C.R.s Nos 29 & 30 at 9 o'clock P.M. Jany 15th 1869

Yantis Ch

Mr President

The Committee on Enrolled Bills have the honor to report that they delivered to Hon S.R. Howlett C.C.Rs. Nos. 18 & 30 Jany 15. 1869

Yantis Chmn

Message from the Governor

Executive department
Boise City I.T. Jany 15. 1869.

To Hon J.S. Taylor
Presd Council
Idaho Legislature } Sir

I have the honor to return herewith Council Substitute for House Bill No 17, Substitute for Council Bill No 35. And Councils Bills Nos 39. 51. 53. 54. 56. 63. 65. 66. & 36. which I have approved and signed. Also Council Concurrent Resolution Nos 29 & 31 And Council Memorial No 14. which I have signed

Very Respectfully
Your Obdt Svt
D.W. Ballard
Governor of Idaho Territory.

On motion of Mr Anderson the Council resolved itself into executive session upon the message of the Governor

In Council

The President in the Chair - Roll called - members all present -

- Message from the House -
House of Representatives
Boise City Jany 15. 1869

Mr President

I am instructed to inform Your Honorable Body that the House has had under consideration and adopted H.C.R. 11. appointing joint Committee to wait on His Excellency the Governor D.W. Ballard and that the House has appointed as such Committee Messrs Hart and Kelly

Henri F. Sayres
Chief Clerk House Representatives

H.C.R. No 11. taken up read and adopted - The President thereupon appointed Messrs Anderson and Bunner as such Committee on part of the Council - The Committee returned and reported a further communication from the Governor through his private Secry returning his thanks for the uniform Courtesy and Kindness with which he had been treated, and for which he returned his sincere thanks

On motion of Mr Ensign the injunction of secrecy in regard to the proceedings of the executive session was removed

Resolution of thanks offered by Dudley as follows

Resolved That thanks of the Council are due and are hereby most Cheerfully tendered to the Hon J. S. Taylor for the able and impartial manner in which he has discharged the duties of his position during this Session - adopted - On Motion of Mr Ensign the Resolution was adopted

Mr Ensign offered the following Resolution

Resolved That the thanks of this Council are justly due and and hereby tendered to the Secretary George Andes Esq for the efficient and thorough manner in which he has performed the duties of his office And the members of the Council take a sincere pleasure in availing themselves [illegible]s opportunity to express the opinion that the efficiency of the Secretary has materially aided them to properly discharge [illegible] duties incident to legislation - On Motion of Mr Dudley the Resolution was adopted

Mr Bunner offered the following Resolution
Resolved that the thanks of the Legislative Council are due and are hereby tendered to the Assistant Secretary O. H. Purdy S. B. Dilley Sergeant at arms H. F. Alpey door keeper Mr Moor Porter and Robert Gillespie Page for the punctual and efficient manner in which they have performed their duties

A. J. Bunner

On motion of Mr Ensign the Resolution was adopted

Mr Anderson offered following Resolution which on motion of Mr Vance was adopted

Resolved that the thanks of the Legislative Council is due and is hereby tendered to the Enrolling Clerk Mr Thos Sweeny, and to Wm Habersham the engrossing Clerk, and to Mr Joseph Luckett

Journal Clerk, for the punctual and efficient manner in which they have performed their duties

By V. S. Anderson

On motion of Mr Anderson the Council adjourned "Sine die"

Geo. Ainslie
Secretary

J. S. Taylor Presid't of Council

Appendix

REPORT

—OF THE—

Territorial Comptroller.

W. R. BISHOP, Territorial Comptroller.

FOR DECEMBER 31st, 1867.

* * *

BOISE CITY:

J. S. REYNOLDS, PRINTER.

1868.

REPORT.

Comptroller's Office,
Boise City, I. T., Dec. 31st, 1867.

To His Excellency David W. Ballard, Governor of Idaho Territory:

Sir,—In compliance with your request of the 25th inst., I have the honor herewith to enclose a Report showing the condition of the accounts of the several counties of the Territory, and of the different Territorial Funds as taken from the books in this office up to date.

It will appear that there are large balances standing charged against each of the several counties as due the Territory, amounting in the aggregate to a sum nearly or quite equal to the entire amount of Territorial indebtedness as appears in the Report of the Territorial Treasurer of this date.

The balances thus due from counties arise from a failure on the part of the counties to collect taxes of former years, and also from charges made against counties for Poll Tax receipts and Licenses issued from this Office, and which have never been accounted for neither in quarterly reports of County Auditors, nor by licenses and poll tax receipts being returned to this Office in full, and the proper credits being placed on the Comptroller's books therefor.

From the correspondence on file in this Office and other reliable sources of information, it is believed that the failure on the part of the counties to make the proper returns of the licenses and poll tax receipts for which they have been charged in former years, has been caused in a great measure from a want of the published Statutes of the Territory.

It is not safe to hope that any considerable portion of these balances now appearing due from the counties to the Territory will ever be discharged by money paid into the Treasury. Doubtless many of the old poll tax receipts and licenses of the issue of former years are still remainining on hand in county offices, and in some cases I am informed they have been destroyed by fire.

In accounts last itemized statement of the poll tax and license accounts for 1866 of the several counties were made out and forwarded to respective Auditors and Treasurers of the counties from which no satisfactory replies have been received save in one case. Since that time all the books and records of the office have been gone through and statements have been prepared, showing in detail the license and poll tax accounts of each county from the organization of the Territory up to date, which statements will be left on file in this office.

While our revenue law is as good as could reasonably be expected, considering the fact that Idaho Territory is yet in her infancy, it is far from being perfect, and it is hoped that the territorial and county officers will be able from their experience with the revenue law, to unite in recommending to the Legislature, at its next session, such changes as may be greatly for the improvement of the present system.

Yours, respectfully,
W. R. BISHOP,
Territorial Comptroller.

STATEMENT OF ACCOUNTS.

SHOWING THE BALANCES OF THE SEVERAL ACCOUNTS AS APPEARING ON CONTROLLER'S BOOKS WHEN I ENTERED UPON THE DUTIES OF THAT OFFICE AND TOOK POSSESSION OF THE BOOKS ON THE 16TH DAY OF MAY LAST, ALSO BALANCES OF ACCOUNTS UP TO DATE.

ADA COUNTY.

To balance May 16th, 1867........	$8,977 35	
To Licenses, Poll Tax Receipts and Territorial proportion of Revenue.	8,769 92	
By cash paid Territorial Treasurer, Licenses and Poll Tax receipts returned........................		$8,595 73
Balance due........................		9,151 54
	$17,747 27	$17,747 27

ALTURAS COUNTY.

To balance May 16th, 1867........	$8,108 38	
To Licenses, Poll Tax Receipts and Territorial proportion of Revenue.	4,087 37	
By cash paid Territorial Treasurer, and Poll Tax receipts returned...		$3,031 60
Balance due.....		9,164 15
	$12,195 75	$12,195 75

BOISE COUNTY.

To balance May 16th, 1867........	$37,123 62	
To Licenses, Poll Tax Receipts and Territorial proportion of Revenue.	26,324 89	
By cash paid Territorial Treasurer, Licenses and Poll Tax receipts returned....................		$23,151 30
Balance due........		40,297 21
	$63,448 51	$63,448 51

IDAHO COUNTY.

To balance May 16th, 1867........	$13,040 91	
To Licenses, Poll Tax receipts and Territorial proportion of Revenue.	1,857 62	
By cash paid Territorial Treasurer, Licenses and Poll Tax receipts of the issue of 1866 returned.......		$ 4,751 16
Balance due.........		10,147 37
	$14,898 53	$14,898 53

NEZ PERCES COUNTY.

To balance May 16th, 1867........	$7.953 22	
To Licenses, Poll Tax receipts and Territorial proportion of Revenue.	1,081 20	
By cash paid Territorial Treasurer, and Poll Tax receipts returned...		$1,867 00
Balance due.....................		7,167 42
	$9,034 42	$9,034 42

OWYHEE COUNTY.

To balance May 16th, 1867........	$9,223 38	
To Licenses, Poll Tax receipts and Territorial proportion of Revenue.	2,321 63	
By cash paid Territorial Treasurer, and Poll Tax receipts returned...		$9,728 18
Balance due....		1,816 83
	$11,545 01	$11,545 01

ONEIDA COUNTY.

To balance May 16th, 1867........	$7,910 45	
Balance due.....................		$7,910 45
	$7,910 45	$7,910 45

SHOSHONE COUNTY.

To balance May 16th, 1867........	$4,859 00	
To Poll Tax receipts and Territorial proportion of Revenue..........	237 80	
By cash paid Territorial Treasurer, and Licenses of the issue of 1866 returned......................		$2,528 44
Balance due....................		2,568 96
	$5,097 40	$5,097 40

TERRITORIAL TREASURER.

To balance May 16th, 1867........	$19,385 85	
To amounts paid in by counties....	44,532 60	
By amounts disbursed..........		$57,864 95
By amount on hand.............		6,053 50
	$63,918 45	$63,918 45

IDAHO TERRITORY.

To amounts credited to counties for Licenses and Poll Tax receipts returned since May 16th, 1867.....	$ 9,823 50	
To balance of Dec. 31st, 1867......	179,409 16	
By balance May 16th, 1867........		144,552 23
By Licenses, Poll Tax receipts and Territorial proportion Revenue charged to counties since May 16th, 1867....................		44,680 43
	$189,232 66	$189,232 66

LIBRARY FUND.

To balance Dec. 31st, 1867	$190,00	
By balance May 16th, 1867........		$ 70 00
By amount paid to Territorial Treasurer.........................		120 00
	$190 00	$190 00

EXPENSE ACCOUNT.

To balance May 16th, 1867........	$26,883 09	
To payments by Territorial Treasurer on General, Prison, Sinking and Interest Funds.............	58,438 64	
By balance.................. ...		$85,321 73
	$85,321 73	$85,321 73

RECAPITULATION.

Ada county to balance Dec. 31st, 1867........	$ 9,151 54	
Alturas to balance Dec. 31st, 1867..	9,164 15	
Boise " " " " "	40,297 21	
Idaho " " " " "	10,147 37	
N. P'ce " " " " "	7,167 42	
Oneida " " " " "	7,910 45	
Owyhee " " " " "	1,816 83	
Sh'sh'ne " " " " "	2,568 96	
Territorial Treasurer............	6,053 50	
Expense account.................	85,321 73	
Idaho Territory.............		$179,409 16
Library Fund..................		190 00
	$179,599 16	$179,599 16

FIRST
BIENNIAL REPORT
OF THE
Territorial Comptroller.

DANIEL CRAM---Territorial Comptroller.

FOR THE YEARS 1867--'8.

BOISE CITY:
J. S. REYNOLDS, PRINTER.
1868.

REPORT.

Office of the Territorial Comptroller,
Boise City, I. T., Dec. 1st, 1868.

To His Excellency, D. W. Ballard, Governor, and the Honorable Council and House of Representatives of the Territory of Idaho:

Gentlemen,—I herewith submit the biennial report of the transactions of this office, commencing January 1st and ending December 1st, 1868, a period of eleven months since I assumed the duties of this office.

A detailed statement of receipts and expenditures, together with all transactions of this office, are arranged under the following headings, to-wit:

Statement "A"—showing the receipts from the different sources of revenue from each County for the first three-quarters of 1868.

Statement "B"—showing the revenue paid into the Territorial Treasury from the different Counties, and the expenses for collecting the same, for the first three-quarters of 1868.

Statement "C"—showing respectively the amount of money received into the Treasury from all sources in the preceding three-quarters of 1868, together with balance of cash of 1st day of January, 1868, and the amounts paid on account of different funds, being the account of the Territorial Treasurer as audited in this office.

Statement "D"—showing the amount of the Territorial indebtedness.

Statement "E"—showing estimates of the revenue and expenditures of the next fiscal year.

Statement "F"—Assessment Roll of 1868.

Statement "G"—uncollected on Assessment Roll of 1868.

Statement "H"—showing the amount of warrants drawn, and against what fund, from January 1st to December 1st, 1868.

Statement "I"—showing for what purposes the above warrants were drawn.

Statement "J"—showing the apportionment of the different funds.

Statement "K"—showing the balances on hand in the Territorial Treasury, Dec. 1st, 1868, belonging to the different funds.

Statement "L"—showing the official vote for delegate to Congress for the years of 1866 and 1868.

The Territory of Idaho, hitherto the outskirts of the settlements, will in all probability, before the meeting of the next Legislature, be the highway of commerce and travel between the main arteries of the continent and Puget Sound. The revolution, the Pacific Railroad and branches with its causes in the affairs of the Territory, can scarcely be realized; and although the geographical conformation of the country may not admit of a very large settlement for a number of years, yet the facilities brought to us by the iron horse, and consequent reduction in cost in working of our mines, and the necessities of living will be sensibly experienced in the advancement and prosperity of this Territory.

It will be seen in the Report that Boise County, which until the past two years has been the main reliance of the Territory in her large collections to pay the current expenses, has very seriously fallen off in her returns.

But in the diminution of returns from Boise County we may look with confidence to the prospects of other Counties, particularly Owyhee, Ada, Alturas, and Oneida.

While the silver mountains of Owyhee, perhaps the richest silver district on the continent, are giving forth the precious metal in ratio to the facility of working them, and the development of Lemhi District and the placers of Nez Perce and Shoshone continue to improve, the Territory is deprived of a large share of taxes rightly belonging to it by the inhabitants of the south part of Oneida County, which will be more fully explained below.

In consideration of the probabilities of the prosperity of the country as expressed above, I have every reliance that the General, Sinking and other funds will hereafter be self-sustaining under the present system of taxation.

The fund to which I ask the serious consideration of the Legislature is the Prison Fund. Unless this drag and increasing indebtedness of this fund can be checked at the earliest moment, it threatens to accumulate an increased indebtedness, and will eventually drag down the other funds and ultimately destroy the credit of the Territory. With this exception I have no suggestions to make in the change of the working of the revenue law, which I think is well suited to the expenses of the Territory.

I would ask a committee be appointed to examine the books of the Comptroller and Treasurer.

Through the concurrence of the Territorial Treasurer, a system has been adopted that all entries on the books of the Territorial Treasurer are also entered on those of the Territorial Comptroller, the one being a check upon the other, and

the accounts are required to balance and agree after the rendering of the quarterly reports. By this system no errors can occur, and in case of fire the accounts of the Territory would not likely be lost.

It is recommended that the Territorial Treasurer hereafter be required to furnish the Comptroller a quarterly balance of his books and such papers for inspection as the Comptroller may require, in order that this system may be preserved.

Forty-eight claims, amounting to 7,680 acres, have been entered at the U. S. Land Office for homesteads.

Two hundred and twenty claims pre-empted, comprising about 32,797 acres. Three townships were surveyed under appropriation of last year, and are in Ada County and mostly along the Boise River. The land law requires all pre-emption claims to be paid for within one year after the maps of townships have been received at the Land Office, and therefore the above claims will have been paid for before the 1st of May next. It is calculated that this real estate be taxed as well as the improvements, while heretofore taxes have only been paid on improvements.

The township plats, with the claims of settlers, will be furnished the Counties at the earliest day, in accordance with law, so that the Assessors may tax the real estate.

As some doubt has been expressed whether claims are subject to taxation before a patent has been issued from the General Land Office, it is thought that the Legisture provide that such lands shall be taxed in order to avoid litigation and delay.

The claims are as sure to the settler, and can be sold by warrantee deed, as safely when they are in receipt of the Register's and Receiver's certificate as if they were in possession of the patent.

Upon entering the duties of my office on the first of the year, I found the accounts of the different counties, and sundry other accounts, in much confusion, principally I think in consequence of the Territorial and County blank licenses and poll tax receipts not having been returned to this office, and such as have been returned not having been credited to the respective Counties. My predecessor, who held the office for a few months, exerted himself to the utmost to rectify these accounts, but without success, as the deficiencies have been accumulating for years.

I have suspended these accounts of the different Counties and opened new accounts on the 1st of January last, leaving to the Legislature to adopt such a course with the deficiencies as they may decide, and I hope some stringent law may be passed to compel the return of such blanks as are issues of the preceding year at the earliest moment. Although some months have passed since the four-dollar poll tax receipts have been available, yet I have not been able to receive the unsold blanks from some of the Counties, although having written and urged repeatedly. And in conclusion allow me to express my thanks to the Auditor and Treasurer of Boise County for their promptness in this as well as all of their transactions with this office for the past year.

In consequence of the delay in receiving quarterly reports from some Auditors, and the irregularity in the same reports, the Legislature is requested to fix a penalty, to be enforced by the District Attorney of the delinquent district, that all reports not forwarded to the Comptroller within fifteen days of the time required by law shall be subject to such fine as the Legislature may prescribe.

I would recommend that the fiscal year of the Territory begin on the 1st day of December and end on the 30th of November of the succeeding year, and that the County Auditors be notified to make up the quarterly reports to this office on the 20th February, 20th May, 20th August, 20th November, and with their November report a yearly report to include the above four quarters in order to give time for the reports to reach this office by the first day of the following month, in order that the Comptroller and Treasurer may have time to make up their reports in full to the Legislature early in the session.

I would further recommend that all new blank licenses and poll tax receipts issue on the 1st day of January of each year, and all blanks unsold be returned to this office by the 1st day of February of the succeeding year, under penalty, and also that all foreign miners' licenses issue from this office.

I would also recommend that all insurance companies, both fire and life, doing business in this Territory be required to obtain a license for the same, and also be taxed a per cent. on the amount insured, as the Legislature may determine. This tax is customary in States and Territories. The tax to be applied to the Sinking Fund toward the redemption of the public debt

The Lemhi District probably contains one thousand inhabitants. The distance of this part of Idaho County from the County seat works materially against the practical settlement of the quarterly accounts of the Auditor and Treasurer of the County, and embarrasses the Territorial Comptroller and Treasurer. I would especially recommend that it be partitioned into a separate County for the benefit of all concerned.

A subject of vital importance to the assets of the Territory is the County of Oneida. 1,800,000 acres of this County have been reserved by the General Government as a reservation for the Shoshone and Bannack Indians, running from a point south of Fort Hall 25 miles, east 70 miles, north 50 miles to the Blackfoot River, its northern boundary. The land south of the reservation has a settlement of 3,000 to 5,000 inhabitants, most of whom refuse to pay taxes in this Territory, claiming that they are in Utah. This large reservation will naturally cause a corresponding settlement on its borders, and the branch of the Union Railroad running in this neighborhood will add materially to its settlement. We may soon look upon Oneida County as the most thickly settled and prosperous of our Counties, and yet we derive no benefit from it simply because the boundary between this Territory and Utah is not defined. I would urge upon the Legislature to petition Congress to establish this boundary at an early day, as I believe the proceeds of this County, with the Prison Fund in subjection, will enable us to meet all the expenses of the Territory and leave a yearly surplus to reduce the bonded debt.

The case of the Territory against the bondsmen of A. Slocum, defaulting Treasurer of Boise County, was compromised on the 11th day of November, 1867, upon the [following stipulation]:

That John Claresey pay	$1,000 00
" J. H. Hickman pay	750 00
" F. B. Britten pay	750 00

The judgment against Messrs. Claresey and Hickman are satisfied. That against F. B. Britten is still unpaid.

Beleiving that the annexed is a full and correct exhibit of the transactions of this department, and the suggestions made are for the best interests of the Territory, I have the honor to remain

Your most obedient servant,
DANIEL CRAM,
Territorial Comptroller.

STATEMENT "A"

SHOWING THE RECEIPTS FROM THE DIFFERENT SOURCES OF REVENUE FROM EACH COUNTY FOR THE FIRST THREE QUARTERS OF 1868.

COUNTIES.	PR'P'TY TAX 1866.	PR'P'TY TAX 1867.	PR'P'TY TAX 1868.	LICENSES.	POLL TAX	FOR. MINERS & RES. LICENSE.	FRANCHISES SCH'L FUND.	TOTALS.
ADA........		$2,445 20	$2,076 91	*$764 47	$ 94 82	$ 11 28	$31 77	$5,834 45
ALTURAS	$30 35	2,947 60	584 10	320 40	271 80	453 12	35 00	2,642 37
BOISE.......		1,[illegible]00 02	5,062 44	1,330 46	3,596 50	3,034 35		14,624 77
IDAHO......		[illegible]24	832 63	507 36	761 65	90 28		2,250 16
NEZ PERCE..		16[illegible] 00	367 59	283 49	368 83	473 76		1,661 69
ONEIDA......			74 38		22 00			96 38
OWYHEE.....		1,648 68	[illegible]2,388 61	790 54	1,013 40			[illegible]841 23
SHOSHONE...			249 00	140 76	196 98	437 34		1,024 08
TOTALS...	$30 15	$6,867 74	$11,635 66	$4,137 48	$6,736 00	$4,500 13	$66 77	$33 975 13

*NOTE.—Licenses sold third quarter not returned.

STATEMENT "B"

SHOWING THE REVENUE PAID INTO THE TERRITORIAL TREASURY FROM THE DIFFERENT COUNTIES, AND EXPENSES OF COLLECTING THE SAME FOR THE FIRST THREE QUARTERS OF 1868.

COUNTIES.	EXPENSE OF COLLECTING.	CASH PAID INTO THE TERRITORIAL TREASURY.	TOTALS.
ADA...................	$1.539 71	$7.509 41	$9 049 12
ALTURAS..............	1.088 36	1 951 83	3,040 19
BOISE.................	5 134 43	15.137 65	20,272 08
IDAHO.................	1,832 25	2.114 83	3 947 08
NEZ PERCE.............	523 59	4,707 86	5,231 45
OWYHEE...............	2.175 96	4,438 46	6.614 42
ONEIDA................	27 69	325 00	352.69
SHOSHONE..............	336 93	1.344 34	1.681 27
TOTALS.	$12,658 9[illegible]	$ 7,529 38	[illegible],188 30

STATEMENT "C"

1868. E. C. STERLING, TERRITORIAL TREASURER, DR.

January 1st.	To Balance in Treasury this date	$6.053 50
D'c'mb'r 1st.	To amount received from Ada County to date	7.509 41
do do	do do do do Alturas do do ...	1,951 83
do do	do do do do Boise do do	15.137 65
do do	do do do do Idaho do do	2,114 83
do do	do do do do N. Perce. do do	4.707 86
do do	do do do do Owyhee do do	4,438 46
do do	do do do do Oneida do do	325 00
do do	do do do do Shoshone do do	1,344 34
do do	do do do do Lib. Fund do do ...	50 00
	Total..................................	$43 632 88

"C" Continued.

1868. E. C. STERLING, TERRITORIAL TREASURER, CR.

Jan. 1st.	By Warrants redeemed on General Fund and Interest....	$16,179 17
Dec. 1st.	do do do do Prison do do do	6,867 52
do do	do do do do Sinking do do do	76 20
do do	do do do do School do do do	282 62
do do	do Interest coupons paid on Public Debt (Bonds)........	7.038 01
do do	do Printing, Advertising and Newspapers...............	322 30
do do	do Postage..	39 65
do do	do Stationery...	304 35
do do	do Rent, Offices, Controller and Treasurer..............	1,158 00
do do	do Fuel and Sawing......................................	160 00
do do	do Office, Furniture, Lights, &c........................	246 80
do do	do Express charges on money received....................	355 56
do do	do Treasurer's commissions..............................	2,404 76
do do	do Balance in Treasury	8.177 94
	Total..	$43.632 88

STATEMENT "D"

SHOWING THE AMOUNT OF THE TERRITORIAL INDEBTEDNESS TO DEC. 1ST, 1868.

Territorial Bonds issued to date, and payable December 1st, 1875, in gold	$73,713 87
Interest due on same to date	5,899 78
Warrants outstanding subject to bond	1 013 50
Interest on same to date	333 66
Warrants unredeemed against Prison Fund	25,020 21
Interest on same to date	1,380 70
Warrants unredeemed against General Fund	3 488 00
Interest on same to date	102 46
For estimated expense to date	2 120 00
	$113,102 18
Deduct amount in Treasury to meet the above	8,177 94
	$104 924 24

STATEMENT "E"

SHOWING THE ESTIMATES OF THE REVENUE AND EXPENDITURES FOR THE NEXT FISCAL YEAR.

RECEIPTS.		
From delinquent tax of 1868	$25 000 00	
do Property tax of 1869	50.000 00	
do Poll tax of 1869	8,400 00	
do License tax of 1869	6,000 00	
do Foreign Miners' License	5,000 00	
do Franchises	225 00	
	$94 625 00	
Deduct expenses for collecting	28 387 50	$66,237 50
EXPENDITURES		
For Legislative Department	$13 500 00	
do Territorial Prison	18,000 00	
do Interest on Bonds	8 815 66	
do Premium on Coin	2 948 55	
do Salary of Controller	2,000 00	
do Salary Superintendent Public Schools	600 00	
do Salary District Attorneys	4,500 00	
do Treasurer's Commissions	2,500 00	
do Current Expenses	3,500 00	
do Printing	3,000 00	$59,394 21

STATEMENT "F"

ASSESSMENT ROLL OF 1868.

COUNTIES.	VALUE REAL PROPERTY.	VAL. P'RSONAL PROPERTY.	TOTAL VALUATION.	TERRITORIAL PROPORTION 100 CENTS.
ADA	$369,137 00	$789,980 95	$1 159,117 95	$11,591 17
ALTURAS	[illegible]	88,067 00	118 937 00	1,189 37
BOISE	374 958 00	942,033 28	1,316,991 28	13,469 91
IDAHO	No Report			
NEZ PERCE	110,385 00	390 856 00	501,241 00	5,012 41
OWYHEE	653 718 00	742,390 26	1,396,108 26	13,961 08
ONEIDA	No Report			
SHOSHONE	11 075 00	38 510 00	49,585 00	495 85
Totals	[illegible]	[illegible]	[illegible]	[illegible]

STATEMENT "G"

SHOWING THE AMOUNT OF UNCOLLECTED TAX AS PER ASSESSMENT ROLL FOR 1868.

Ada County	Less expenses	$4 426 82
Alturas do	do do	1,105 27
Boise do	do do	10,492 09
Idaho do	No Report	
N Perce do	Less expenses	4,614 84
Owyhee do	do do	11 574 47
Oneida do	No Report	
Shosh'e do	Less expenses.	246 85
Total		$32 490 34

STATEMENT "H"

SHOWING THE AMOUNT OF WARRANTS DRAWN, AND AGAINST WHAT FUND, FROM JANUARY 1st TO DECEMBER 1st, 1868.

General Fund	$8,169 32	
Prison Fund	19 055 85	$27,225 17

STATEMENT "I"

SHOWING FOR WHAT PURPOSE THE ABOVE WARRANTS WERE DRAWN.

GENERAL FUND.		
For Salary of District Attorneys	$1,187 50	
do Expenses Supreme Court	858 66	
do Mileage Judge First Judicial District	1,495 50	
do Printing	1,607 66	
do Newspapers for use in Terr. Secretary's Office.	20 00	$8,169 32
PRISON FUND		
For Keeping and maintaining Territoriel Prison	$16,655 80	
do Territorial Prison Commissioner	310 00	
do Conveying convicts to Territorial Prison	336 00	
do Serving warrants of arrests out of the Territory.	1,418 05	
do L. B. Lindsey, Sheriff Ada County	136 00	
do Isaac Fay services	200 00	$19,055 85
Total		$27,225 17

STATEMENT "J"

SHOWING THE APPORTIONMENT TO THE DIFFERENT FUNDS.

General Fund	$16 819 [illegible]	
Prison Fund	10,091 71	
Sinking Fund	12,329 89	
School Fund	148 63	
Library Fund	50 00	$39,440 10

STATEMENT "K"

SHOWING THE BALANCE ON HAND IN THE TERRITORIAL TREASURY DEC. 1ST, 1868, BELONGING TO THE DIFFERENT FUNDS.

General Fund		$ 452 22	
Prison Fund		2,322 46	
Sinking Fund		5,166 36	
School Fund overpaid	$3 10		
Library Fund		240 00	$8,181 04
Deduct School Fund overpaid			3 10
Balance in Treasury			$8 177 94

STATEMENT "L"

SHOWING THE OFFICIAL VOTE FOR DELEGATE TO CONGRESS FOR THE YEARS 1866 AND 1868.

COUNTIES.	1866.	1868.	TAXABLE INHABITANTS.	ESTIMATED NO. FOR MINERS.
ADA	713	892	571	
ALTURAS	320	337	202	130
BOISE	3,287	1,882	845	465
IDAHO	409	761	No Report.	20
NEZ PERCE	385	357	243	140
OWYHEE	1,220	1,148	621	
ONEIDA	169	171	No Report.	
SHOSHONE	66	86	116	131
Totals	6,564	5,634	2,598	886

Estimated number of Inhabitants	25 000
" " " Chinamen	1,500

FIRST

BIENNIAL REPORT

—OF THE—

Territorial Treasurer.

E. C. STERLING, Treasurer.

FOR THE YEARS 1867-'8.

BOISE CITY:
J. S. REYNOLDS, PRINTER.
1868.

Territorial Treasurer's Office,
Boise City, I. T., Dec. 4th, 1868.

To His Excellency, D. W. Ballard, Governor of Idaho:

Sir,—Herewith please find Treasurer's First Biennial Report as required by law, showing a full exhibit of all moneys received into and paid out of the Treasury from Dec. 1st, 1866, up to Dec. 1st, 1868, inclusive.

Very respectfully,
Your obedient servant,
E. C. STERLING,
Territorial Treasurer.

REPORT.

Territorial Treasurer's Office,
Boise City, I. T., Dec. 1st, 1868.

To His Excellency, D. W. Ballard, Governor, and the Honorable Council and House of Representatives of the Territory of Idaho:

Gentlemen,—I have the honor of submitting the First Biennial Report of the transactions of this office, commencing Dec. 1st, 1866, and ending Dec. 1st, 1868.

A detailed statement of the receipts and expenditures and transactions of this office is arranged under the following headings, to-wit:

"A" Statement—table showing old balance and receipts from all sources.
"B" Statement—table showing kinds of money received.
"C" Statement—table showing the apportionment and disbursement of funds.
"D" Statement—recapitulation of cash.
"E" Statement—statement of Bonds.
"F" Statement of indebtedness of the Territory, &c.

STATEMENT "A"

GENERAL ACCOUNT OF RECEIPTS INTO TREASURY.

Dec. 3rd. 1866, Balance Cash on hand	$7,090 74
1867, Received from Alturas County	3,532 14
" " " Ada, "	9,756 40
" " " Boise, "	24,865 92
" " " Idaho, "	1,488 91
" " " Owyhee, "	13,255 51
" " " Oneida, "	200 00
" " " Shoshone, "	1,479 18
" " " Nez Perce, "	2,270 46
" " " Lib. F'nd, "	120 00
Total	$64,059 26

STATEMENT "B"

SHOWING THE KIND AND RATES OF REVENUE RECEIVED.

COUNTIES. 1867.	COIN.	DUST AT $16 PER OZ.	DUST AT $10 PER OZ.	BULLION AT PAR	CURR'NCY AT PAR.	CURR'NCY AT 78cts.	CURR'NCY AT 75cts.	CURR'NCY AT 76cts.	CURR'NCY AT 80cts.	FOR PRINTING VO'CH'RS.	TOTAL.
Alturas.		1,257 19			2,274 95						$3,532 14
Ada.		2,674 62			7,081 78						9,756 40
Boise.	382 30	3,921 06		7,754 91		1,524 99½	3 00	9,579 65½		1,700 00	24,865 92
Idaho.	10 50	51 91			1,426 50						1,488 91
Owyhee.		2,289 00	1,203 99		7,949 03				1,813 49		13,255 57
Oneida.					200 00						200 00
Shoshone.		284 24			1,194 94						1,479 18
Nez Perce.					2,270 46						2,270 46
Lib. Fund.					120 00						120 00
Totals.	$392 80	10,478 02	1,203 99	7,754 91	22,517 66	1,524 99½	3 00	9,579 65½	1,813 49	1,700 00	$56,968 52

Recapitulation.—Coin, $392 80......Dust at $16 per ounce, $10,478 02......Dust at $10 per ounce, $1,203 99. ......Bullion, at par, $7,754 91......Currency at par, $22,517 66......Currency at 78cts, 1,524 99½......Currency at 75cts, $3 00......Currency at 76cts, 9,579 65½......Currency at 80cts, 1,813 49......Printing Vouchers paid from Boise Treasury, $1,700 00......Total receipts to Jan. 1st, 1868 $56,968 52.

Which amounts have been disposed of in the funds as follows:

STATEMENT "C"

GENERAL FUND—TO APPORTIONMENT—BY DISBRSEMENTS.

TO APPORTIONMENT.			BY DISBURSEMENTS.
To balance Dec. 3d. 1866	$ 1,961 17		
" apportionment, 1867	23,823 71		
By amount paid on warrants 1867, "old series," numbers 208—211—212—214—217—218—219 and 213		$2,566 96	
" interest on the same		270 75	$2,837 71
Paid second second series from number 13 to No. 30, and from No. 123 to No. 260		11,344 28	
Interest on the same		1,085 34	12,429 62
Vouchers *World* office for printing			1,700 00
Controller's salary, 1866			1,504 41
Controller's salary, 1867			2,664 24
Treasurer 2 per cent. for disbursing the sum of $21,135 98			422 72
40 per cent. contingent expense			750 83
50 per cent charges account			248 15
50 per cent commission account			900 72
Balance in fund			2,326 48
Totals	$25,784 88		$25,784 88

"C"—Continued.

PRISON FUND.

TO APPORTIONMENT.			BY DISBURSEMENTS.
Apportionment 1867	$14,286 79		
By amount overpaid 1866			$ 310 08
1867 paid warrants from No. 12 to No. 35		$11,087 81	
Interest on same		1,031 50	12,119 31
Treasurer's 2 per cent on the sum of $12,119 31			242 39
30 per cent. cont'g't expense account			375 41
30 per cent. charges account			148 89
30 per cent. commission account			540 44
Balance in fund			550 27
Totals	$14,286 79		$14,286 79

"C"—Continued.

SINKING FUND.

TO APPORTIONMENT.			BY DISBURSEMENT.
Balance Dec. 3rd, 1866	$ 5,350 22		
To Apportionment 1867	16,889 50		
By Paid December coupons, 1866.		$4,064 67	
Additional discount on dust		520 00	$4,584 67
H. C. Street, as per Act Leg't're.			1,000 00
Telegraphic dispatches, do			231 20
June 1867 coupons		3,293 17	
Additional on discount		273 24	3,566 41
For issu'ng 2nd series of bonds			350 00
December 1867, coupons		4,644 40	
Additional on discount		1,171 26	5,815 66
Contingent Fund Warrants from No. 1 to No. 54		3,898 00	
Interest on same		200 64	4,098 64
Tr'ers 2 per cent on $19,646 58			392 94
40 per cent cont'g't expense		750 83	
20 per cent. charges account		99 26	
20 per cent. commission account		360 28	1,210 37
Balance in fund			989 83
Totals	$22 239 72		$22,239 72

"C"—Continued.

SCHOOL FUND.

To balance Dec 3d 1866	$ 3 76	
Apportionment 1867	183,48	
By paid warrant No. 2		$ 51 00
Balance in fund		136 24
Totals	$187 24	$187 24

LIBRARY FUND.

To balance Dec. 3rd 1866	$ 70 00	
To Apportionment 1867	120 00	
Total	$190 00	
By amount in fund		$190 00

STATEMENT "D"

RECAPITULATION OF CASH.

General Fund	$25,784 88
Prison Fund	14,286 79
Sinking Fund	22,239 72
School Fund	187 24
Library Fund	190 00
Balances of counties unapportioned, transferred to the account of Idaho Territory	1,370 63
Total	$64,059 26

STATEMENT "E"

IDAHO TERRITORY 12 PER CENT COUPON BONDS ACT OF JANUARY 12TH, 1866, MATURING DEC. 1ST, 1875, 1ST SERIES.

Amount issued to Dec. 1st, 1866	$45,816 58	
To Dec. 31st, 1867	2,880 74	
Total	$48,697 32	
Second series maturing at same time Act of Jan. 14th, 1867. Amount issued to Dec. 31st, 1867	$23,747 27	
Total in Bond to date	$72,444 59	$72,444 59
Warrants on Register subject to bond		$2,282 78

STATEMENT "F"

CURRENT INDEBTEDNESS DEC. 31ST. 1867.

General Fund Warrants	$ 7,276 25	
Prison Fund Warrants	12,214 22	
School Fund Warrants	255 00	
	[illegible] 47	
From which deduct balances in funds $6,053 50		
Balance unapportioned... 1,370 63	7,424 13	
	$12,321 34	$12,321 34
Indebtedness of the Territory		$87,048 71

The receipts as exhibited in this Report appear large for the year in comparison with the year previous or following. This Statement includes the December settlements of counties for 1866, and for the full year of 1867, with the exception of Nez Perce and Idaho counties, receipts of which for December quarter of 1867 arrived in January 1868, consequently do not appear in this Statement. The law requiring Treasurers to make their returns to this office the second Mondays of March, June, September and December, precludes the possibility of receiving and making up the returns of the fourth quarter to appear in the Treasurer's Report required at the convening of the Legislature.

I would suggest and recommend that the time for final settlements for the year be fixed by law at an earlier date, in order that as near as may be, full reports may be laid before the Legislature which would enable them the more readily to understand the applications and working of the revenue.

By referring to the foregoing Report the inequality of moneys returned will be observed. Since the organization of the Territory there has been no uniformity of revenue returned to this office, the want of which has caused no little annoyance and complication.

The Legislature (fourth session,) that revised the revenue laws had this object in view, and so amended the law, making revenues collectible in coin or in currency at two per cent. above San Francisco quotations which, owing to the fluctuation of currency left no equal basis but a wide margin for difference.

Early in the spring of 1867 exceptions were taken on the demand of coin for taxes as the revenue law provided, parties tendering currency at par for such demand. Case at issue, (Misener & Lamkin, *vs.* A. Haas,) Assessor and Collector of Ada county, which case terminated in the Supreme Court of this Territory at the January term, 1868, decision sustaining currency at par as a legal tender for taxes. Through *this* decision was destroyed the utility of the present revenue law. In connection therewith I would respectfully call your attention to the deficiency which must of necessity occur as between receipts and disbursements in this office.

Our obligations in the form of bonds, "old indebtedness" are specifically provided for, to be paid principal and interest in the gold and silver coin of the United States. The Treasurer is further authorized and instructed that when such coin shall not be in the Treasury to meet interest &c., he shall pay an additional amount of such funds as he shall have received to make the same equivalent thereto, in obeying which to meet interests. discounts have been from one to thirty-three and a third per cent. adopting currency at seventy-five cents as a coin basis. Warrants on the funds for current expenses were supposed by the holders to be payable in coin or at the rates the revenues were fixed, though not so especially provided for as were the bonds; such obligations have been canceled as far as paid in the current funds as received.

In disbursements I have been compelled to use discretionary, if not extraordinary powers, awarding as near as circumstances would admit, to the paper presented by the different counties, the kind of money and at the rates received from such counties, assuming that such a course was as near correct as any rule I could adopt.

For a further Statement I will refer you to the annexed Report for the current year of 1868:

REPORT—1868.

STATEMENT "A"

OF RECEIPTS INTO THE TREASURY TO NOVEMBER 30TH, 1868, FROM ALL SOURCES.

Balance from 1867	$ 6,053 50
Received from Ada County	7,509 41
" " Alturas do	1,951 80
" " Boise do	15,137 65
" " Idaho do	2,114 83
" " Nez Percé do	5,707 86
" " Owyhee do	4,438 46
" " Oneida do	325 00
" " Shoshone do	1,344 34
" " Lib'y Fund	50 00
Total receipts	$43,632 88

STATEMENT "B"

SHOWING THE KIND AND RATES OF REVENUE RECEIVED.

COUNTIES. 1867.	CURRENCY AT PAR.	CURRENCY AT 76cts.	GOLD DUST AT $16 PER OZ.	BULLION AT PAR.	TOTAL.
Ada	$7,509 41				$ 7,509 41
Alturas	1,692 51		$259 32		1,951 83
Boise	13,997 70	821 13		318 82	15,137 65
Idaho	2,114 83				2,114 83
Néz Perce	4,707 86				4,707 86
Owyhee	4,438 46				4,438 46
Oneida	325 00				325 00
Shoshone	1,344 34				1,344 34
Library Fund	50 00				50 00
Totals	$36,180 11	$821 13	$259 32	$318 82	$37,579 38

RECAPITULATION OF RECEIPTS.—Currency at par, $36,180 11......Currency at 76cts, $821 13......Gold Dust at $16 per ounce, $259 32......Bullion at par, $318 82......Total.—$37 579 38.

Which amount has been disposed of in the funds as follows:

STATEMENT "C"

OF AMOUNTS APPORTIONED AND DISBURSED IN GENERAL FUND.

Balance from 1867	$ 2,326 48		
To apportionment 1868	16,819 57		
By paid sundry warrants, adv'r'sed in Dec 1867, and to No. 273 inclusive		$13,215 99	
do Interest on same		1,013 18	$14,229 17
do Controller for three quarter's salary			1,950 00
do Treasurer 2 per cent for disbursing $16,179 17			323 58
do 50 per cent charges account		181 33	
do 50 per cent Commission account		879 89	
do 50 per cent Contingent account		1,137 86	2,191 08
Balance in fund			452 22
Totals	$19,146 05		$19,146 05

"C"—Continued.

SHOWING AMOUNTS APPORTIONED AND DISBURSED IN PRISON FUND.

To Balance from 1867	$ 550 27		
To apportionment 1868	10,091 71		
By Paid warrants from No. 35 to No. 51 inclusive		$6,238 83	
do Interest on same		628 69	$6,867 52
do Treasurer 2 per cent for disbursing $6,867 52			137 35
do 30 per cent charges account		108 80	
do 30 per cent. commission acc't.		523 14	
do Contingent do		682 71	1,314 65
Balance in fund			2,322 46
Totals	$10,641 98		$10,641 98

"C"—Continued.

SHOWING AMOUNTS APPORTIONED AND DISBURSED IN SINKING FUND.

Balance from 1867	$ 989 83		
Apportionment of 1868	12,329 86		
By paid Coupons			
Mar. 9th do do do		$ 446 17	
Mar. 9th do do do add'l 33⅓		148 72	$ 594 89
Jn. 30th do do Coupons		3,766 63	
Jn. 30th do do Additional 33⅓		1,255 54	5,022 17
July 7th do do Coupons		297 46	
July 7th do do Additional 33⅓		99 15	396 61
Sep 28 do do Coupons		783 26	
Sep. 20 do do Additional 33⅓		261 08	1,044 34
do do Contingent Warrant, No. 9			76 20
Treasurer 2 per cent for disbursing $7,134 21			142 68
20 per cent charges account		72 54	
20 per cent commission account		348 75	
20 per cent contingent account		455 15	876 44
Balance in fund			5,166 36
Totals	$13,319 69		$13,319 69

"C" Continued.

STATEMENT OF SCHOOL FUND.

Balance from 1867....................	$136 24	
To apportionment 1868..............	148 93	
To amount overpaid.................	3 10	
By paid warrant No. 3................	$288 27	$288 27

"C"—Continued.

STATEMENT OF LIBRARY FUND.

Balance from 1867....................	$190 80	
Paid in during the year of 1868.....	50 00	
Balance in fund.................	$240 00	$240 00

STATEMENT "D"

RECAPITULATION.

Balance in funds Jan. 1st, 1868.....		$ 6,053 50
Amount received up to Nov. 30, '68.		37,579 38
		$43,632 88
By amounts paid General Fund.....	$18,693 83	
do do do Prison do	8,319 51	
do do do Sinking do	8,153 33	
do do do School do	288 27	
		$35,454 94
Cash balance in Treasury......		$8,177 94

BALANCES IN THE TREASURY.

Library Fund	$ 240 00
Sinking Fund..	5,166 36
General Fund..	452 22
Prison Fund..	2,322 46
	$8,181 04
Less School Fund overpaid......	3 10
Cash Balance......................................	$8,177 94

STATEMENT "E"

SHOWING INDEBTEDNESS AS TAKEN FROM BOOKS IN THIS OFFICE DEC. 1ST, 1868.

Amount in Bond Jan. 1st, 1868....		$72,444 59	
" Issued to Nov. 30, "		1,269 28	$73,713 87
Warrants on Reg'r subject to Bond..			1,013 50
"F"			
Current indebtedness,	General Fund.		3,098 00
" "	Prison "		25,011 04
Dec. 1868 Coupons	Sinking "	$4,424 84	
	Add'l 33⅓...	1,474 94	5,899 78
			$108,736 19
From which deduct Cash in the Treasury........................			$8,177 94
Estimate of December 1868 returns. $15,000........			$100,558 25

From the foregoing Exhibit it will be perceived that the finances of the Territory are in a healthy condition, our heaviest indebtedness being in Bonds. Our Bonds are sought for as an investment, and are held at an advancing figure, a general confidence being felt at home and abroad in the good faith of the Territory in fulfilling her obligations as by Statute, Act contracted. I would respectfully call your attention to the justice and necessity of so amending the Funding Act as to authorize the Treasurer to issue duplicate bonds for those *lost or destroyed*, several applications having been made by parties thus inconvenienced, as the present law does not contemplate or cover cases of this kind.

Reports to this office from the various County Treasurers for the time shown in this Report have been accompanied with cash to balance the same, with the exception of Oneida, for which I will refer you to the Controller's Report.

I hope to be able by the 20th inst to lay before you a subsequent report showing the returns of the fourth quarter of 1868, the proceeds of which are estimated in the foregoing Report.

The revenues received and apportioned to the different funds as the law directs have thus far proved adequate to meet the drafts against them, with the exception of the Prison Fund, warrants against which exceed the thirty per cent. apportioned to that Fund. It will be remembered that that Fund was not included in the second Funding Act, hence the apparently large showing of its indebtedness.

By an act of the second Legislature a tax of one per cent of the proceeds of franchises was made collectible, to be set aside as a Territorial School Fund, provisions made for disbursing, etc., the collection of which does not appear to have been genearally observed, as since the passage of the law there has been only two hundred and eighty-five and seventeen hundredth dollars, ($285 17,) returned to this office from that source, barely enough to meet the incidental expenses of printing forms for the Superintendent of Public Instruction.

By referring to the Report you will also find designated a Library Fund, created by act of Legislature, first session, levying a tax of ten dollars upon all attorneys admitted to practice in the Courts of this Territory, which by referring to the returns from that source must lead to the inference that the collection was not generally observed, or that sundry amounts remain in the hands of the clerks of the District Courts whose duty it is to attend to this matter, and to refer applicants for admission to practice in the Courts to this office for receipt, etc. I would recommend the appropriation of this fund for the purposes designated or transfer to the other funds.

During the two years last past various suits have been brought against the Territorial Treasurer in the form of *mandamus*, which have generally terminated in the Supreme Court. To defend the interest of the Territory it became necessary to employ counsel. As there is no authority for the Controller to draw warrants for such services, such claims remain unpaid, for which a reasonable appropriation should be made, and provision made by law to pay for such services in the future as may be necessary to defend the interests of the Territory.

I would respectfully call your attention to a suit now pending, case entitled (Crutcher *vs.* Territorial Treasurer,) Treasurer being mandamused to pay warrant on Prison Fund at coin rates as the revenue law provides whereas Treasurer tenders currency at par it being the current funds received.

In conclusion, I would respectfully state that the foregoing is a full, true and correct exhibit of the transactions of this office for the time above mentioned.

All of which is respectfully submitted,

E. C. STERLING,
Territorial Treasurer.

First Biennial Report

OF THE

Territorial
PRISON COMMISSIONER.

E.C. STERLING, Commiss

BOISE CITY:

J. S. REYNOLDS, PRINTER.
1868.

TREASURER'S OFFICE,
Boise City, *December 1st*, 1868.

To His Excellency, David W. Ballard, *The Governor of Idaho:*

Dear Sir,—I have the honor herewith to transmit my Annual Report, for the years 1867 and '8, as Prison Commissioner for the Territory of Idaho.

I have the honor to remain,
Very Respectfully, your obedient servant,
E. C. STERLING,
Territorial Prison Commissioner,

REPORT.

Office of Prison Commissioner,
Boise City, I. T., Dec. 1st, 1868.

To the Honorable Council and Legislative Assembly of the Territory of Idaho:

Gentlemen,--In compliance with the law defining the duties of Prison Commissioner, requiring Annual Reports, &c., I have the honor to respectfully submit the following Report for the years of 1867 and 1868.

The County Jail of Boise County having been made, by Act of third Legislature, 1866, temporary prison for the Territory, the same is still so used and occupied.

The law governing the conduct of the Prison, creating Commissioner and Prison Keeper, and fixing the compensation for each service connected therewith, leaves the undersigned, your Commissioner, but little to add, aside from reporting the facts and statistics relating thereto. The building used as a Prison has thus far proved adequate for all purposes of confinement, and under the management of Mr. Crutcher, Prison Keeper, has been kept in a cleanly and orderly manner, and with as few escapes occurring as could reasonably be expected. At the date of my last Report, rendered December 3rd, 1866, there was in the custody and keeping of the Territorial Prison, the following named persons, to-wit: and committed during the year of 1867, the persons whose names appear in the following Report:

COMMITTED DURING THE YEAR 1866.

NAMES OF PRISONERS.	FROM COUNTY.	CRIME COMMITTED	WHEN SENTENCED.	NUMBER YEARS	REMARKS.
John Gilmore.	Boise	Murder.	Apr 8 '65.	20 yrs.	Pardoned Jan. 1 '67.
Hiram Kurtz.	"		Ju 18 '66	Life	In custody
Victor Boley.	Ada	"	May 29 '66	20 yrs.	Pardoned Nov 6 '67
Michael Deal	"	G'd L'r'ny	May 24 '66.	1 year.	Escaped Apr. 3 '67

COMMITTED DURING THE YEAR OF 1867.

NAMES OF PRISONERS.	FROM COUNTY	CRIME COMMITTED	WHEN SENTENCED.	NUMBER YEARS	REMARKS.
J C Page	Ada.	Bogus Dust.	Jan. 3rd '67	8 yrs.	Released by order of Court Feb 4 1867
Michael Dunn.	Boise	Murder.	Feb 26th '67	20 "	Esc'p'd Apr. 3 '67. Killed in recapturing.
Ah Yon	Ada	Robbery	Ma[illegible] 8th '67	7 "	In custody
Ah Lee	"			5	" "
Jim Sing	"		"	6 "	" "
John Finnegan	Boise	Counterfeiting	Ju[illegible] 9th "	3 "	"
Dever Frank		G'd L'r'ny	2d "	2 "	"
J. D. Cozad		Assault	" 10th	1 "	Released by Court
A J Nash		"	" "	1 "	Pardoned Sep 21 1867
J. C. Page.	"	Bogus Dust	11th	7 "	In custody
D McCormac.	Ada.	Assault.	Dec. 2nd "	2 "	"
B. Crossen.	Boise	Manslaughter	Nov 18th	3	"
M L Smith.	Owy'e.	Arson	Oct 21st "	8	"
John Bradley	"	G'd L'r'ny	23d	5	" "
Ah Sin	"	"	" 18th	1 "	" "
Ah Yon	"	" "	" " "	1 "	" "

Number of Prisoners during the Year, 20.

Pardoned and released "five" Escaped "two" Leaving the number at "thirteen." December 31st, 1867.

EXPENSES OF PRISON.

The following Bills have been audited and Warrants drawn against Territorial Prison Fund for expenses of same during the year of 1867, as follows:

For Keeping and maintaining prisoners	$6,326 09
" Guard service	4,380 00
" Salary of Prison Keeper	2,500 00
" Conveying convicts to Prison	597 54
" Repairing Prison Yard	500 00
" Buckets for cells	36 00
" Prison Commissioner's fees and mileage	155 00
Total	$14,591 63

Names of Prisoners in confinement Jan. 1st, 1868 as shown in Statements of 1867.

NAMES.	REMARKS.
Hiram Kurtz	Pardoned Sept. 29th, 1868.
Ah Lee	In custody.
Ah You	Escaped June 1868.
Jim Sing	In custody.
John C. Page	" "
John Finnegan	" "
Meyer Frank	Discharged by order of Court Feb. 12th, '68.
M. L. Smith	In custody.
Ah You, Owyhee	Sentence expired Oct. 17th, 1868.
Ah Lien	" " " " "
Bernard Crossen	Pardoned April 7th, "
Daniel McCormac	" Nov. 19th "
John Bradley	In custody.

COMMITTED DURING THE YEAR OF 1868.

NAMES OF PRISONERS.	FROM COUNTY.	CRIME COMMITTED.	WHEN SENTENCED.	NUMBER YEARS.	REMARKS.
J. H. Hepworth.	Owy'e.	Gr'd L'r'ny.	Ju. 30 '68.	8 y'rs.	In custody.
Edward Stock.	Boise.	Murder.	Apr. 10 '68.	Life.	" "
James O'Brian.	"	Gr'd L'r'ny.	July 24 '68	5 y'rs.	" "
John Williams.	Owy'e.	" "	Oct. 19 '68	7 "	" "

Time of prisoners expired during the year	2
Prisoners pardoned during the year	3
Discharged by Court	1
Prisoners escaped during the year	1
Remaining in custody Dec. 1st, 1868	10

PRISONERS REMAINING IN CUSTODY DEC. 1ST, 1868.

Ah Lee,
John C Page,
M. L. Smith,
John H Hepworth,
James O'Brian.
Jim Sing,
John Finnegan.
John Bradley.
Edward Stock,
John Williams.

The expense of conducting the Prison for the eleven months up to the time of making this Report, has been as follows:

For keeping and maintaining prisoners	$10,125 00
" Guard service	1,020 00
" Salary of Prison Keeper	5,291 63
" Conveying Prisoners to Prison	215 00
" Prison Commissioner's fees and mileage	310 00
Total	$16,961 63

It will be seen by the foregoing statistics that the maintenance of the Territorial Prison during the year of 1867 was $14,594.63, and for the eleven months last past, $16,961 63, making a total of $31,556 26, under the present laws regulating the same.

This would seem to be a very large amount, and when it is taken into account that the number of prisoners are constantly increasing, and, as a consequence the expense must also increase; and the further fact that the indebtedness of the Territory from this source is increasing instead of diminishing, it would seem to be wisdom to curtail this great expense that the revenues applicable thereto might be adequate to meet it.

The law contemplates the employment of the labor of the prisoners, but no feasible project has yet been devised by which their labor could be used so as to pay even a portion of the expense of keeping them; and I have serious doubts whether any branch of labor will be found at the present temporary location of the Prison at which they can be profitably employed, or, indeed, where their labor will pay the additional expense of guarding them whilst they are employed. Besides the necessity of making the labor of the prisoners pay at least a part of the expense of the Territorial Prison, it would certainly be for the comfort and health of the prisoners if they were employed at some useful occupations. As they now are neither their minds or bodies are employed, except in constantly planning means of escape.

I would respectfully call the attention of the Legislature to the Act of Congress appropriating the sum of forty thousand dollars towards the building of a Penitentiary, and respectfully suggest such action at an early day as will make the appropriation available for that purpose; and in this connection I would suggest the propriety of a further appropriation by the Legislature if deemed necessary, and a provision for a special fund for that purpose, and also the propriety of the passage of a law providing for the use of the prison labor, so far as the same may be available towards the erection of the necessary Penitentiary buildings.

This being a young and growing Territory, (embryo State,) much depends upon our action as to its prosperity in the future. I trust I am not stepping beyond my duty in calling your attention to a few matters essential to the future success and economy in the location of this institution.

1st. The necessity of locating where prisoners can be supported at the least possible expense.

2d. Where the labor of the prisoners in future years can be used to the greatest advantage without coming in direct contact with that of the citizen.

3d. Where the necessary materials for constructing the prison buildings are most convenient.

4th. Where the labor of the prisoners can be used at the greatest number of employments without injury to the industrial pursuits of the country.

5th. Where the labor of the prisoners can be used to the best advantage in constructing the Penitentiary buildings.

6th. Where the institution will be nearest the eye and supervision of the Legislature and such officers as in its wisdom shall be designated to manage and conduct the same.

7th. In a dry and healthy locality—and if a place can be found combining all of these advantages, I doubt not you will in your desire to do the best for the future prosperity of the Territory, erect it there, regardless of the interests of particular localities or individuals.

All of which is respectfully submitted,

E. C. STERLING,
Territorial Prison Commissioner.

FIRST
BIENNIAL REPORT
—OF THE—
SUPERINTENDENT OF
PUBLIC INSTRUCTION.

DANIEL CRAM, Superintendent of Public Instruction.

FOR THE YEARS 1867--'8.

BOISE CITY:
J. S. REYNOLDS, PRINTER.
1868.

Office of the Superintendent of Public Instruction,
Boise City, Dec. 1st, 1868.

To His Excellency, David W. Ballard, Governor of Idaho Territory:

Sir,—I herewith submit to you the second Report upon the Public Schools for the years 1867 and 1868, in Idaho Territory, with the request that it be transmitted to the Legislature as soon as may suit your convenience.

Very respectfully
your obedient servant,
DANIEL CRAM,
Superintendent Public Instruction.

REPORT.

To the Council and House of Representatives of the Territory of Idaho:

Gentlemen,—The present Report will show to you that considerable progress has been made in the cause of Education in our Territory.

I feel satisfied that a more universal and a deeper interest is being manifested throughout the Territory, and there is still room for improvement. Our population is becoming more permanent; families are increasing in wealth, as well as in numbers, who are desirous of securing for their children the best of instruction. We should be anxious to push the cause in the right course. I believe that the next two years will give us great encouragement in the advancement of education in our Territory, and will enable the Superintendent to present an enlarged report to your honorable body.

The following abstracts, made up from such reports as have been received at this office, show the improvement in the cause over the last report, issued from this office December 1st, 1865:

SYNOPSIS OF REPORTS RECEIVED FROM THE DIFFERENT COUNTY SUPERINTENDENTS FOR THE YEAR 1867.

COUNTIES.	DATE OF REPORTS, 1867.	NO. OF DISTRICTS IN COUNTY.	NUMBER OF SCHOOL HOUSES.	NO. OF SCHOOLS.	NO. OF SCHOLARS ATTENDING SCHOOL.	NUMBER OF LIBRARIES.	NUMBER OF VOLUMES.	LENGTH OF SCHOOLS DURING THE YEAR.	PROPORTIONAL ATTENDANCE.	AMOUNT PAID TEACHERS.	INCIDENTAL EXPENSES.	TOTAL EXPENSES.	NUMBER OF BOYS BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE.	NUMBER OF GIRLS BETWEEN FIVE AND TWENTY ONE YEARS OF AGE.	WHOLE NUMBER OF CHILDREN BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE.	REMARKS.
ADA.	Aug. 31.	13	3	5	158	none.	none.	3 mon.	60 per day.	$500 00	$100 00	$600 00	80	99	179	In Dis. 2, 4, 7 8 organization not kept up; 12 partly organized first schools; 13 now being taught.
ALTURAS.	No	Report.														
BOISE.	Oct. 8...	4	4	3	135	"	"	3 mon.	49 do	975 00	464 50	1,439 50	172	184	356	
IDAHO.	No	Report.														In Boise all flourishing and organizations kept up
NEZ PERCE	"	"														
OWYHEE.	Aug. 31.	2	1	2	97	"	"	7 mon.	37 do	1,650 00	350 00	2,000 00	39	42	81	In Owyhee in good condition and organizations sustained.
ONEIDA.	"	Report.														
SHOSHONE.	"	"														
		19	8	10	390					$3,125 00	$914 50	$4,039 50	291	325	616	

SYNOPSIS OF REPORTS RECEIVED FROM THE DIFFERENT COUNTY SUPERINTENDENTS FOR THE YEAR 1868.

COUNTIES.	DATE OF REPORTS, 1868.	NO. DISTRICTS IN COUNTY.	NUMBER OF SCHOOL HOUSES.	NUMBER OF SCHOOLS.	NO. OF SCHOLARS ATTENDING SCHOOL.	NUMBER OF LIBRARIES.	NUMBER OF VOLUMES.	LENGTH OF SCHOOL DURING THE YEAR.	PROPORTIONAL ATTENDANCE.	AMOUNT PAID TEACHERS.	INCIDENTAL EXPENSES.	TOTAL EXPENSES.	NUMBER OF BOYS BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE.	NUMBER OF GIRLS BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE.	WHOLE NUMBER OF CHILDREN BETWEEN FIVE AND TWENTY-ONE YEARS OF AGE.	REMARKS.
ADA.	Oct. 1.	15	5	7	94	none.	none.	4½ mo.	35 per day.	$525 00	$325 00	$850 00	207	207	414	Districts 1, 2, 5, 6, 7, 8, 9, 12 and 15 no reports; Dis. No. 3 paid $100 for repairs. No. 11 new S. house cost $200.
ALTURAS.	No	Report.														
BOISE.	Aug. 31.	5	4	5	127			7½ mo	18 do	2,224 69	681 93	2,906 62	148	137	285	
IDAHO.	No	Repor .														
NEZ PERCE.	Aug. 31.	3	3	3	42			3¼ mo.	17 do	787 00	118 00	905 41	39	42	81	Schools in good condition.
OWYHEE.	do	1		1	82			6 mo.	82 per day.	1,066 68	71 00	1,137 68	81	65	146	School well attended.
ONEIDA.	No	Report.														
SHOSHONE																
		24	12	15	345				22	$4,603 37	$1,195 93	$5,799 71	475	451	926	

TERRITORIAL SCHOOL FUND.

DR.		
January 17, 1867, paid Warrant No. 2	$50 00	
do do Commissions	1 00	
do do Balance	136 24	
		$187 24
CR.		
Nov. 20. 1866, Balance	$ 3 76	
Dec. 20. do By Ada County	131 50	
Sep. 21, 1867. do Owyhee County	51 98	$187 24

TERRITORIAL SCHOOL FUND.

DR.		
Sept. 30, 1868, To paid Warrant No. 3	$255 00	
do do To paid interest	27 62	
do do To Treasurer's commission	5 65	$288 27
CR.		
Jan. 1. 1868, By balance	$136 24	
Mar. 25 do By Ada County	30 82	
do do By Alturas	18 24	
Sep 30 do By Owyhee	65 92	
do do By Alturas	33 95	
Dec. 1 do By balance	3 10	$288 27

Dec. 1st. 1868. to balance brought down $3 10

It is not expected that a large amount of money will be realized from the sale of School Lands for some time to come.

The U. S. School Land Law provides that sections 16 and 36 be reserved in each township for school purposes. The Territorial School Law excludes the 36th section; this only gives the proceeds of the 16th section for school purposes.

The small amount of tax received from all sources, as provided by the School Law, does not afford sufficient funds to enable the Superintendent to furnish the suitable blanks necessary for the better assistance of the County Superintendents, and other purposes; and it is thought best and necessary that more and new sources of revenue be provided to increase this fund.

I would recommend that five per cent. of the sale of Territorial and County Licenses be taken from the eighty per cent. now allowed to Counties and placed to the Territorial School Fund, to prevent the embarrassment that has hitherto been experienced.

The School Law provides that the Collector receive no per centage on the collections of this fund, and for this reason make but little effort to collect the tax as the law provides. I would therefore recommend that the law be so amended as to secure to the collection of such school tax a fair compensation, as I am well satisfied that the fund would be the gainer by it.

The liberal encouragement given by other States and Territories to the cause of education we wish extended to the children of our Territory, to impress upon them that the stepping stone of liberty, prosperity and greatness, lies in the early culture of their moral and intellectual faculties, and the acquisition of a plain common school education is more to be desired than temporal prosperity.

I therefore request that the most liberal encouragement the finances of the Territory will admit be given for this purpose. The position Idaho is to assume in the country, with communications to all parts of the world, renders it necessary that in this important particular her people should be zealous to be second to none.

In the absence of a school house in districts entirely able to provide suitable school buildings, I would suggest the propriety of such Legislative action as will secure to the trustees the means of school accommodations in these several districts; and were said boards authorized in the exercise of a sound discretion to levy, collect and expend a reasonable tax for such buildings, or for repairing the same, it is believed that such a law would be beneficial to the district thus taxed, and would be approved by the people of the Territory.

The absence of school houses in some districts is not founded on the want of means or ability to build them; they are evidences of selfishness or ignorance wherever they are found. Hence a law of the kind indicated would not be regarded as oppressive.

There is a commendable spirit manifested throughout the Territory, and the County Superintendents seem alive to the cause. Briefly, then, our needs are money and teachers.

That which Idaho needs most, in order to educate her children, is to foster her General School Fund and increase it in every possible way. It is upon this we must depend to supply our schools with the kind of teachers needed to make them what they should be and must be in order to accomplish the object of the institution. In proportion as our schools improve in excellence, in that proportion will the people exert themselves to maintain them.

The utility of general knowledge to those living under a Government like ours, complex in its character, and depending upon the intelligence of the people for its efficient and harmonious action, cannot be questioned.

There should be taught in all our schools those branches which will prepare the youth, who will soon be called upon, to perform the responsible duties of public trust and hold positions of honor. And school officers and teachers should use their power and influence to make our public schools subserve their beneficent purposes; that is, to provide instruction in those branches, and to form those habits that will fit our youth to become useful citizens.

As a general thing the reports from the several County Superintendents have been rather meagre. A full and extended review of the condition of the schools in the several districts to the Superintendent would enable him to give to those interested in the cause of education in the Territory a fuller and more definite view of the system, and also enable him to comply more fully with the requests of Superintendents of other States and Territories, to furnish them with the system and progress of learning in our Territory.

Before closing my remarks I would call the special attention of County officers and teachers to the instructions given in the Public School Law by my predecessor, and urge their prompt compliance with the same.

I have embodied in this report such remarks and information as I could procure for the benefit of the cause of education, and such suggestions as I thought would be most conducive for the improvement of our Common School system. Hoping it may meet with your full approbation and support,

I remain your obedient servant,

DANIEL CRAM,

Sup't Public Instruction, I. T.

REPORT

OF

HON. H. C. STREET,

SPECIAL COMMISSIONER.

FIFTH SESSION IDAHO LEGISLATURE.

THOS. C. BAIL & CO., PRINTERS.
BOISE CITY, I. T.
1869.

REPORT OF HON. HENRY C. STREET.

To His Excellency Governor D. W. Ballard, and to the Honorable the Legislative Assembly of Idaho Territory:

In accordance with the provisions of an act of the Territorial Legislature, passed January 11, 1867, providing for the election of a special commissioner on behalf of Idaho Territory, to proceed to Washington, D. C., for the purpose of investigating the affairs of the office of the Secretary of Idaho, and to procure a definite understanding relative to the financial affairs between the department of the Treasury of the United States and the office of the Territorial Secretary—to report the result to the Governor and to the Legislative Assembly at its next annual session—the undersigned has the honor to submit the following

Report.

In several personal interviews had with Hon. Hugh McCulloch, Secretary of the Treasury, and Hon. W. H. Seward, Secretary of State, much gratification was expressed at the action of the Legislature in its desire and endeavor to arrive at some definite understanding relative to the appropriations made for the Territory, and the best disposition was manifested to assist in the accumulation of the facts desired A *carte blanche* was granted for that purpose.

I discovered, however, that the records of these Departments were very incomplete, and that the officers of the Departments were themselves in much uncertainty relative to Idaho finances. Either many of the reports and other documents transmitted from the Territory had failed by postoffice irregularities to reach their destination, or the Territorial officials had been very negligent in preparing them. Secretary Daniels never made any report whatever that reached the Department—Secretary Cochran but *very few and* unimportant. Secretary *Smith died* suddenly, leaving *all his* affairs in a lamentable condition. Secretary Gilson absconded, covering his tracks as best he might. But little action had been taken in auditing the accounts, and nothing was certain about the amount of vouchers outstanding or their nature. A large number of accounts had been forwarded by Secretary Howlett, incurred by previous administrations, which, for want of information, were not acted upon, but were found obscured, like many other important papers, with dust and cob-webs.

The accounting officers, for their own satisfaction, desired much of the same information which it was my business to obtain. It was owing to this fact that the investigation thus commenced, and prosecuted by me through the numerous divisions and bureaus of the Departments for several months thereafter, was subsequently extended over a much larger field than was originally contemplated by the bill providing for the investigation.

By authority conferred, in January last, the undersigned, in conjunction with Capt. W. R. DeFrees, were appointed Special Commissioners on behalf of the Treasury Department to continue the investigation within the Territory. Under the instructions issued, we were authorized to enquire into the accounts of all the former Secretaries, from the organization of the Territory, as far as they related to the expenses of the Legislative Assembly, the printing of the laws, and all other incidental expenses; placed by the Organic act under the management of the Secretary of the Territory, but subject to the instructions of the Secretary of the Treasury of the United States, with authority to inspect all accounts, records and documents on file, in any of the government offices, relating to this subject, with instructions to report to the Department the accounts or liabilities contracted within the specified period, by whom contracted, specifying those paid, and by whom, and to report our opinion as to the reasonableness of the amounts, &c.

The authority thus conferred obviated the difficulty encountered by the Investigation Committees of the third and fourth Legislatures—removing the objection which they encountered, that a government officer had no right to communicate the affairs of his office to the public.

In accordance with those instructions, a full statement of all the liabilities has been filed with the Treasury. The details of that report are too voluminous to be incorporated here, and are unnecessary to an understanding of the general character of the indebtedness. A general summary is embodied herein, which with the Exhibits gleaned from the records of the Treasury, are sufficient to enable you to form an idea of the amount and nature of the appropriations, expenditures and liabilities to the beginning of the fiscal year in which I was appointed.

To obtain a just understanding of all the facts, I refer first to the

Appropriations.

Idaho Territory had a temporary government established by act of Congress, approved March 3d, 1863, under which were appointed the officers required to administer the duties of the civil government. W. H. Wallace was appointed Governor and W. B. Daniels, Secretary. Gov. Wallace arrived in the Territory early in the Summer of 1863, but being returned as Delegate to Congress in the following Fall, soon after left the Territory, leaving Mr. Daniels, Secretary, and ex-officio Acting Governor. In that capacity he delivered the annual message to the first Legislature, and issued the vouchers for its expenses. He continued to act as Governor until August 9th, 1864, when he resigned the office and Mr. S. D. Cochran, his private Secretary, took charge of the office, and continued to act as Territorial Secretary until the arrival of Mr. C. DeWitt Smith, March 2d, 1865.

Although the Territory was organized in March, 1863, no appropriation was made to defray the expenses of said government until the 25th of June, 1864

By an act of Congress, approved on that day, appropriations were made as follows, viz:

For fiscal year, ending June 30th, 1864;

For salaries of officers	$12,000
Contingent Expenses	1,000
Legislative expenses	20,000

For fiscal year, ending June 30th, 1865:

For salaries of officers	12,000
Contingent expenses	1,000
Legislative expenses	20,000
Making in all the sum of	$33,000

Which was deemed amply sufficient for all the necessities of the Territory, and was immediately applicable for the drafts of the proper disbursing offices.

On the 6th of August, 1864, Mr. C. DeWitt Smith, who was appointed Secretary of Idaho, executed a satisfactory bond, which was filed in the Comptroller's office at Washington. Immediately thereupon he made a requisition, and procured an advance upon it of eighteen thousand dollars, which was intended to be applied to the liquidation of outstanding indebtedness. Mr. Smith was instructed to proceed at once to the Territory, make such disbursements as would pay off the pressing debts, and then transmitting his vouchers to the accounting officers, another advance would be made him, sufficient it was hoped to carry the Territory through the fiscal year without further embarrassment, By the regulations of the Treasury Department, no advance can be made to a disbursing officer beyond the amount of his bond, and as Mr. Smith was bonded in the usual sum of twenty thousand dollars, only eighteen thousand dollars was allowed to be advanced him at any one time, He, however, without transmitting any vouchers or rendering any account, made a requisition which was received on the 5th of January, 1865, and on the same day an additional sum of two thousand dollars was sent to him, and a pressing request made for his vouchers on account of his previous payments.

The next intelligence of Mr, Smith, which reached Washington, was an account of his sudden and melancholy decease; but subsequently vouchers have been sent by the present Secretary, Mr. Howlett, as having been paid by Mr. Smith, amounting to the sum of $10,211 75, which, with the sum of $650, admitted by Gilson, his immediate successor, as having been transferred to him, as administrator, leaves Mr. C. DeWitt Smith a debtor to the United States government in the sum of $9,138 25, for which amount suit will be brought upon his official bond, which is considered amply sufficient for its recovery. The sureties are all residents of Washington City.

Mr. H. C. Gilson was then appointed and commissioned as Secretary of Idaho. In the mean time, by an act of Congress approved March 2d, 1865, there was appropriated for the expenses of the Territory of Idaho, for the fiscal year ending June 30th, 1866:

For salaries	$12,000
For contingent expenses	1,000
For Legislative expenses	20,000
	$33,000

This left, applicable to Mr. Gilson's use for Territorial purposes, the sum of forty thousand dollars, and in order that it might be paid out as soon as possible, Mr. Gilson was allowed to execute a bond for forty thousand dollars instead of the usual sum of twenty thousand dollars, and enabled the government to make him a double advance, as the officers at Washington were anxious that creditors so far away should not be longer deprived of their money. Mr. Gilson, upon his regular requisition, was advanced the sum of $33,000 on the 27th day of December, 1865, and from that day to the present time nothing has been heard from Mr. Gilson, and no account has been rendered for the pro per expenditures of a single cent of this large amount. Preparations were long since made to pursue the sureties on Gilson's official bond, but owing to the fact that no U. S. Attorney was confirmed for a long period, and until the present Summer, suit was not commenced until recently.

Gilson's whereabouts has been discovered, and I was assurred by the Secretary of State that measures would be taken which would probably result in his being brought back to the Territory, and subjected to a criminal prosecution.

On the 23d of July, 1866, by an act duly approved, Congress appropriated for Idaho, as follows:

For Salaries of Officers	$12,000
For Contingent expenses	1,000
For Legislative expenses	20,000
	$33,000

Mr. S. R, Howlett was commissioned and confirmed as Secretary of Idaho after the flight of Gilson, and on the approval of his bond, made a requisition, which was honored on the 28th of December, 1866, for the sum of twenty thousand dollars, ($20,000). Mr. Howlett had rendered vouchers accounting for about $15,000 of this sum at the time of my departure from Washington. He has since made an additional requisition, which will probably be honored as soon as his previous vouchers have been received and allowed.

On the 1st of July, 1867, the usual appropriations were made for Territorial purposes, during the fiscal year ending June 30th, 1868:

For Salaries	$12 000
For Contingent expenses	4,000
For Legislative purposes	20,000
	$3[illegible],00[illegible]

The total amount thus appropriated is shown to be:

For Legislative expenses	$100,000
For Contingent expenses	5,000
For Salaries	60,000
Total appropriation	$165,000

The Expenditures.

Having determined the amount of the appropriations, the natural inquiry arises what has become of this money?

The Legislative Fund is charged with $100,000, and credited as follows:

Exhibit "A."

Appropriations for Legislative Expenses of the Territory of Idaho:

—Dr.—

1864, July 1	$20 000
" "	20,000
1865. March 2d	20,000
1866. July 23d	20,000
1867. " 1st	20,000
	$100,000

—Cr.—

1864, Aug. 6, C. DeWitt Smith	$18,000
1865, Jan. 6. " " "	2,000
" Dec. 27, H. C. Gilson	33,000
1866, " 28, S. R, Howlett	20,000
Balance to Cr. of Territory	27,000
	$100,000.

The Contingent Fund.—The principal portion of the amount charged to the Contingent Fund has been devoted to the payment of the salaries of the clerks of the Executive department, in accordance with Sec. 11, of the Organic Act. The various amounts drawn by the respective Governors to meet this and other contingent expenses to December 27th, 1867, is shown by the following

Exhibit "B."

Appropriations for the Contingent Expenses of the Territory of Idaho:

—Dr.—

1864. July 1.	$2,000
1865. March 2,	1,000
1866. July 23,	1,000
1867. July 1,	1,000
	$5,000

—Cr.—

1864. July 8. W. H. Wallace	$ 841 00
1867, Feb. 15, Wm. P. McCall	422 25
" Mar. 23. W. W. Gibson	1000 00
" Oct. 12. D. W. Ballard	1,736 75
Balance to Territory	1,000 00
	$5,000 00

Salary Fund.—Exhibit "C" shows the amount of salaries paid out of the Salary Fund to December 27th, 1867. The list of individual payments, and dates thereof was carefully prepared, but is too lengthy for insertion here.

Exhibit "C."

Appropriations for Salaries of officers of Idaho Territory.

—Dr.—

July 1, 1864	$24,000
March 2d, 1865	12,000
July 23, 1866	12,000
July 1, 1867	12,000
	$60,000

—Cr.—

By am't paid to Nov. 20, 1867	$17,554 34
By balance on hand	12,445 66
	$60,000 00

The first payment was made to Messrs. Parks, Edgerton and Smith, District Judges. The amount allowed Judge Edgerton was $3,203 05, for Judicial services rendered in that portion of Idaho subsequently organized into the Territory of Montana. A claim by Governor Wallace, for salary as Governor was presented but rejected by the Department for the reason that he was at the same time drawing his salary as a delegate in Congress. The following named persons have drawn for their respective salaries upon this fund: Governors Daniels, Lyon and Ballard; Secretaries Smith, Gilson and Howlett; Judges Parks, Edgerton, Smith, McBride, Kelly and Cummins. The large amount of the balance on hand, at the date these figures were taken from the books, was owing to the refusal of the Treasury to allow Judge Cummins any additional payment until a final settlement was obtained on his accounts as Collector of Internal Revenue.

After the flight of Gilson, Mr. S. R. Howlett was appointed by Gov. Lyon Acting Secretary *ad interim*, and acted as such until the receipt of his commission, August 21, 1866, as Secretary of the Territory. He has received no salary for services during this period, and the passage of a Joint Resolution by Congress is necessary to enable him to draw upon this fund for this service.

Defalcations.—The sum of forty-two thousand, seven hundred and eighty-eight 25-100 dollars has been lost by defalcations of Secretaries, viz:

Defalcation Sec'y Smith	$ 9,138 25
" " Gilson	33,650 00
	$42,788 25
Paid by Sec'y Smith	$10,211 75
Draft Sec'y Howlett	20,000 00
Cash balance to credit of Territory	27,000 00
	$100,000 00

Note.—On the above, Smith will probably be allowed a credit of $2,000, and the same charged to Gilson,

Amounts Paid.—The disbursements by Secretary Smith includes all the payments made by any Secretary up to the 1st of January, 1867, which have been proven and allowed by the Treasury officers. The following is a list of disbursements:

Members, House, 1863—4	$3,288 00
Members, Council, 1863—4	2,336 00
Officers " " "	1,028 00
" House, " "	1,470 00
	$8,117 00
Frank Kenyon, acc't of printing 1863—4	1,400 00
Sundry persons, incidental expenses, 1863—4—5	694 75
	$10,211 75

Additional Sums Paid.—In addition, three bills have been presented for disbursements made by Smith, which were not charged in the account current, and for which he should be allowed credit in his settlement :

T. J. Favorite, printing	213 50
T. Whetstone, horse hire	135 00
Seecott & Co., ferriage	30 00
	$378 50

The sum paid Favorite was for printing the Revenue and other acts in the North Idaho *Radiator*, in the spring of 1865, for the immediate use of county officers in levying and collecting taxes of that year. This item is *equitably* a Territorial charge, as the Secretary had no authority to pay for the printing of the laws except in the regular volumes. It is not a *legal* charge, however, against the Territory, as the Secretary had no authority to create a charge against the *Territorial* treasury. The other two bills paid were incurred while removing the archives.

Under the circumstances, Smith should be credited for these sums by the Treasury Department; if not so allowed, the Territory should make some provision for this by issuing warrants for the amount to the estate of Smith.

The Nature of the Indebtedness.

Having considered the amount of the appropriations and the use made of them, it remained next to inquire into the character of the claims for which the money was applicable.

Vouchers.—The total amount vouchers issued since the organization of the Territory in March, 1863, to the filing of Mr. Howlett's oath of office in August, 1866, was $61,784,30. They were issued as follows;

Exhibit "E."

Summary of Vouchers Issued.

By Daniels, May 30th, 1863, to Aug. 9th, 1864:	
Legislative vouchers, 1st session,	$9,897 00
Incidental "	21,286 50
	$31,183 50
By Cochran, August 9th, 1864, to March 2d, 1865:	
Legislative vouchers, 2d session,	$7,468 00
Incidental "	6,858 28
	$14,326 28
By Smith, March 2d, 1865, to August 10, 1865:	
Legislative Vouchers, none,	
Incidental "	$411 25
	$411 25
By Gilson, Augnst 10th, 1865, to February 10th, 1866:	
Legislative vouchers, 3d session	$7,314 80
Incidental "	4,794 07
	$12,108 87
By Howlett, February 10th, 1866, to August 21st, 1866:	
Legislative vouchers, none,	
Incidental "	$3,754 40
	$3,754 40
Total am't vouchers issued,	$61,784 30

The record of all these vouchers has been carefully examined by me, and nearly all of the vouchers remaining unpaid have been presented, and every item minutely considered. In accordance with instructions, the Treasury Commissioners reported to that department their opinion of the reasonableness of the prices allowed. They reported against $4,661 61 of these vouchers as illegal or unjust. This account therefore stands as follows :

Vouchers paid by Sec'y Smith,	$10,211 75
" disapproved,	4,661 61
" approved and outstand'g	46,910 94
	$61,784 30

Some of this deduction was composed

of illegal charges—most of them were overcharges. The vouchers for Legislative sessions (per diem and mileage) were all approved, as the Organic Act fixes these rates. The total amount was largely augmented by the large prices allowed by the first two Secretariss for Legislative furniture, stationery, &c. While not unmindful of the fact that the market prices of every article during the early years of this Territory, ranged at high figures, still justice to other creditors required some bounds to the rates, and something approaching uniformity in the scale of prices. The rates approved are about the rates paid by Secretary Smith for similar articles at about the same time.

REMOVING CAPITAL EXPENSES.—Among the vouchers issued were several which raised a question in which the Territory has a different and adverse interest. These were accounts for expenses in removing the capital to Boise City, pursuant to an act of the second Legislature. I doubt the legality of these vouchers, amounting to $592. I do not consider them a proper charge against the Congressional funds, but a charge against the Territory,—[also several unaudited accounts referred to hereafter]. One of these vouchers, in favor of A. L. Downer, is for court fees in the case of the People vs. Lyon and Cochran, on an application for a restraining order to prevent the removal of the archives. Two others were for transportation. It is claimed by the holders of these vouchers that under section twelve of the Organic Act, these expenses are made a charge which the General Government must pay: That as the Capital was permanently located by the joint action of the Governor and Legislature, Congress must pay for it. I do not so understand that section, though the amount may be finally allowed by the Secretary of the Treasury, under a rule of that department for similar cases. This opinion is sustained by the action of the Territorial Legislature in 1865–6, in which the Territory assumed the payment of similar bills of Messrs. Curtiss, Darnes and Downer, "for services in the Capital case." See laws Idaho, third session, pages 272 and 278; also, more emphatically by act to permanently fix the Capitol, approved Dec. 7th, 1864, appropriting $2,000—from the Territorial treasury for these expenses.

MISCELLANEOUS VOUCHERS.—The amount of Daniel's vouchers was greatly swollen by the mileage of members from the districts now in Montana Territory. The large bills for stationery, furniture and printing constitute the main items of his incidental expenses. To these were added expenses for rent, light, fuel, water, seal, &c. A large item in Cochran's vouchers is for rent. The Council Hall was rented for $500. The hall of the House was paid for by vouchers issued to carpenters for fitting it up, which compensation amounted to about $900. The expense of an assistant to the Secretary, of stationery, furniture &c., for the Legislative halls, swell the total sum to $6,858 28. Among the vouchers is one for $600, for carrying the election proclamation of Gov. Lyon to the respective counties, there being then few mail facilities. This should have been charged to the Contingent fund. The services were worth the money, but ought not to have been paid for out of the Legislative or incidental funds. The same is true of several small vouchers.

Secretary Smith's vouchers were all paid by him, amounting to $411. Gilson's incidental vouchers were small, the principal item being $4,573, for printing the laws of 1863. They were issued under the allowance made by the Treasury. Several vouchers were re-issued by Gilson to Mr. Parkinson and Mr. McIntosh in lieu of those lost. These amount to $640. The balance were for sundries of an unimportant character. The large portion of his expenses are still in the shape of accounts referred to hereafter. The vouchers issued by Acting Secretary Howlett to August 21st, 1866, were entirely for incidental expenses. No Legislative vouchers were issued during this period. The amount of $3,754 40 was incurred for stationery, for rent of Governor's and Secretary's offices, printing, for preceding Legislature, lights, fuel, copying laws, &c.

Accounts.

In addition to the vouchers, numerous accounts never audited have been examined by me. These compose: first, bills for printing laws and journals; second, costs incurred in moving the Capital of the Territory; and third, miscellaneous bills incurred and left unpaid by Gilson, and others.

LAWS AND JOURNALS.—The bills for printing the laws and journals compose the larger portion of these claims. The amount of the original bills filed for this expense was $60,701 53. The Treasury Commissioners rejected about three-fifths of this amount unconditionally. Only an approximate estimate can be made of the balance "approved," as it is all subject to measurement—which will undoubtedly still further increase the rejections from 10,000 to $15,000. Allowing the approved vouchers the full amount possible, this item stands as follows:

Printing accounts approved,……	$24,381 12
" " rejected,……	36,320 41

On measurement this account will probably stand about as follows:

Approved,……	$14,381 12
Rejected,……	46,320 41

LAWS—1ST SESSION.—The above statement includes nearly $5,000 vouchers issued to Jas. A. Glascock's estate and the contractors under him, for printing the laws of the first session; this amount was allowed by the third Auditor and Comptroller some years ago. The bill for printing the laws of the first session were much larger than that of succeeding sessions from the fact that 1500 copies—three times the usual number—were ordered for that year under the instructions of the Secretary of the Treasury. The volumes also contianed about double the matter of subsequent sessions, as they contained the Civil Practice Act, Criminal Code, and other lengthy matter incident to the organization of civil government in a new and thriving country. The amount heretofore allowed does not include the journals. The amount approved conformed with the recommendations of a memorial adopted by the Territorial Legislature in 1865; subject, however, to measurement and and proportionate reduction, and also to the prices to be fixed by the Treasury for composition, paper and press-work per token, which will reduce the amount probably to about ten thousand dollars.

LAWS AND JOURNALS—2D AND 3D SESSIONS.—The laws and journals of 1864 and 1865 remain at this writing (July 4th, 1868), in the hands of the sub-contractors in San Francisco. The public printer, Mr. F. Kenyon, professes his readiness to deliver them to the Territorial Secretary whenever a payment is made for them. Great inconvenience and expense has resulted from the non-distribution of these volumes, as both courts and people have been compelled to resort to the current newspapers for all information as to the character of the legislation of this period.

BILL PRINTING.—In addition to this

are the bills of Mr. F. Kenyon and of J. S. Reynolds also for incidental bill printing of the *second* and *third* sessions. The first amounts to $2,776, and the other to $1,890 40. This work as well as the laws and journals has to be measured by the proper department, and audited at certain fixed rates per thousand composition and the same amount per token press work. The affidavits of nearly all the printers in the Territory as to actual cost of this work, and of establishments elsewhere, has been filed, and make out a fair case. If a less figure should be adopted by the Treasury it will make a proportionate reduction in the amount included under the head of approved.

REMOVING THE CAPITAL,—These accounts I previously alluded to, considering vouchers. They are unaudited accounts for services as agent in taking charge of the archives and for personal expenses. Mr. Vincent was appointed by the court, receiver of the property to prevent its removal. Mr. Howlett was appointed as agent in charge of the same articles by Secretary Smith with instructions to remove it: both present bills. I am clearly of the opinion that Vincent's claim is illegal and no charge against this fund. Secretary Smith was the authorized agent of the United States, and was entitled to the exclusive control of the Government property. Mr. Howlett's claim for seven and two-thirds months services as agent of Smith and expenses of transportation, has been referred to the Secretary of the Treasury to decide the disputed question of Congressional or Territorial liability. These claims amount to $1,875 34.

MISCELLANEOUS ACCOUNTS.—These were composed of two or three bills for expenses by Daniels, for rent of Secretary's office and sundries; the balance of these accounts belong to Gilson's administration. They were bills for rent of the Legislative halls in 1865, and open store accounts belonging to citizens of Boise City. These accounts were created by Gilson under a promise to pay the same immediately after the receipt of the annual appropriation, then daily expected. Some of these bills were partially paid by Gilson, in cash, at the time the articles were furnished. These payments appear to have been made with borrowed money, amounting to over twelve hundred dollars. Strictly, Gilson should be entitled to these credits in his account with the General Government; but, as the articles were received and used by the United States, it is but just that they should be paid for by the United States, and an allowance be made for the cash advanced to make the purchases. These Gilson accounts, amount to $3,734 90, of which we rejected $618. The bills approved, properly authenticated by the affidavits of the claimants, and corroberative evidence, has been transmitted to Washington with a recommendation that the Territorial Secretary be instructed to issue vouchers for the amount.

The Present Indebtedness.

The total liabilities presented against this fund, from the organization of the Territory, consisting of vouchers and unaudited accounts, as found by the Treasury commissioners, was $134,634 12.

Deducting the amount ($10,211 75) paid by Secretary Smith, the balance claimed is $124,422 47.

Claims and Vouchers Rejected.

I am of the opinion that of this large amount of indebtedness, not less than *fifty-four-thousand dollars is illegal or unjust and ought to be rejected by the Treasury Department.*

The exact amount cannot yet be determined, as there are no facilities here for the exact measurement of a portion of the printing. The measurement at the Government printing office differs somewhat from that customary on the Pacific Coast. This will finally be determined by the proper officers at Washington. A reduction ought to be made in the bills for the Session Laws, for matter inserted in the beginning of the volumes, for which there is no authority of law. including several lengthy acts of Congress. The volumes are open to several other objections, in the matter of type, index, blanks, &c.

Totals.

The following statement includes the total amount of present indebtedness, amounts paid and rejected:

Approved vouchers,	$46,910 94
" accounts,	22,856 08
" vouchers and accounts	69,767 02
Rejected (estimate)	54,655 35
	$124,422 37
Paid	10,211 75
	$134,634 12

It will be remembered that this estimate of present indebtedness of 69,767,02 is subject to such reductions as may arise from the rates yet to be determined by the Treasury on the printing bills &c. These reductions will probably reduce this total from ten to twenty thousand dollars.

Conclusion.

I have gone over a wide field in this investigation, but in this report I have endeavored to divest the subject of unnecessary detail, and to present it so concisely and clearly that it may be understood. I have shown the amount of the annual appropriations—the nature and amount of the past and present indebtedness. A detailed report of the transactions of all the former Secretaries has been transmitted to Washington.

With this epitome of results I submit the subject into your hands.

It has been a long and laborious investigation, pursued throughout against many difficulties, but steadily maintained with the resolute determination to accomplish the purposes of the Act under which this trust was confided to me. The large amount, exceeding fifty thousand dollars—and probably exceeding sixty thousand—which has been rejected by the Treasury Commissioners as illegal, fraudulent and unjust charges against the fund appropriated for the benefit of the people of this Territory, is sufficient evidence of the necessity and value of the investigation.

It now only remains for the proper accounting officers to act promptly on the facts and testimony submitted—to audit the accounts and order payment out of the appropriations standing to the credit of the Territory, or the funds to be made applicable. If not speedily adjusted the censure will be with those who have appropriations to provide, or appropriations to disburse.

Very respectfully,
HENRY C. STREET.
Special Commissioner for Idaho.
BOISE CITY, I. T., July 4th, 1868.

POSTSCRIPT.

POSTSCRIPT.

Boise City,
January 11, 1869.

Since the foregoing was written, more definite action has been taken by the accounting officers on most of the claims referred to, but the limited time left me before the close of the session will prevent any statement of details. Suffice to say that there is every prospect that the entire indebtedness will soon be adjusted and paid. Those more immediately affecting the public interest, as the bills for publishing laws and journals of preceeding sessions, have already been adjusted and paid out of the fund standing to the credit of the Territory. The laws and journals held in San Francisco for a number of years, will soon be delivered for distribution at the Secretary's office.

In adjusting these accounts, large reductions have been made on several points indicated in the foregoing report. The Secretary and public printers will hereafter receive from the Treasury fuller instructions respecting the execution of this character of work, which may enable them to escape much of the loss consequent on ignorance or disregard of the Treasury regulations. One claim for an amount exceeding ten thousand dollars was rejected by the Treasury for this reason, which will compel the claimants to fall back upon Congress for a special relief bill before it can be paid.

These and other reductions will so far reduce the amount that a Deficiency Bill for the sum of the defalcations of Gilson and Smith will cover the amount due the Territory. A statement of the facts with a recommendation for a special appropriation has been, or soon will be, submitted to Congress by the Secretary of the Treasury, and doubtless will soon be acted upon by that body. As soon as the deficiency is credited to the Territory, it will be divided among the creditors, and payments made at the office of the Territorial Secretary.

H. C. S.

The injunction of Secrecy in the Executive session of the Council of the Legislative assembly having been removed; The following is here appended as the proceedings thereof

Council Chamber
Boise City I.T. January 14th
1869

On motion of Mr. Anderson the Council went into Executive Session for the consideration of Executive messages—

The following message was read:

Executive Department
Boise City I.T. Jan. 14th 1869.

Sir
I have the honor to submit the name of Daniel Cram for the appointment of Controller of the Territory of Idaho.
Also the name of G. W. Paul for the appointment of Treasurer of the Territory of Idaho, subject to the confirmation of the Council —

Very Respectfully
Your Obt Svt
D. W. Ballard
Governor of Idaho Territory

To
Hon J. S. Taylor
Prest of the Council
Idaho Legislature

Mr Dudley moved that the nomination of G. W. Paul for Territorial Treasurer be rejected upon which motion the ayes and nays were called

Ayes Messrs. Allen, Bunner, Dudley Howard Vance, Yantis and

Mr. President —— 7.

Nays- Meſsrs Anderson and Moige — 2

So the nomination was rejected —

On motion of Mr. Anderson the nomination of Daniel Cram for Territorial Controller was postponed for further consideration —

And on motion the Council in Executive seſsion was dissolved —

Council Chamber Boise City
I.T. January 15th AD 1869.

On motion of Mr. Anderson the Council went into Executive Seſsion, for the consideration of Executive meſsages:—
Members all present —

The following meſsage from the Governor was read —

Executive Department
Boise City I.T. Jan 15th 1869.

Sir-
I have the honor to submit the name of Wm A. Atlee for the appointment of Treasurer of the Territory of Idaho, subject to the approval of the Council.

Very Respectfully,
Your Obdt Svt,
D. W. Ballard,
Governor of Idaho Territory —

Mr. Dudley moved that the nomination of Wm A. Atlee for Territorial Treasurer be rejected by the Council

Mr Dudley moved a call of the Council
Roll Called
Absent. Mr Ensign—

On motion further proceedings under the call was dispensed with—

Mr Zantis moved the previous question
Mr Dudley called for the ayes and nays
Ayes Messrs. Anderson, Paul and Zantis — 3.

Nays Messrs.
Allen Bunner, Dudley
Ensign, Howard, Vance and
Mr President — 7—

So the previous question was not sustained—

After a lengthy debate on motion of Mr Anderson the previous question was ordered by the unanimous vote of the Council—and
Upon the motion to reject the nomination of Wm. A. Atlee for Territorial Treasurer—
Mr Dudley called for the ayes and nays—
Ayes Messrs. Allen, Bunner, Dudley, Ensign and Howard — 5—

Nays Messrs. Anderson, Paul, Vance Zantis and Mr President — 5

So the motion to reject did not prevail—

Mr Anderson moved to confirm the nomination of Wm A. Atlee for Territorial Treasurer, upon which motion he demanded the previous question and the same being sustained by the unanimous vote of the Council
Upon the motion to confirm—

The ayes and nays were called with the following result—

Ayes Messrs. Anderson, Stout, Jarvis and Mr President — 4

Nays Messrs— Allen, Bonner, Dudley Ensign, Howard and Vance — 6

So the Council refused to confirm the nomination of Wm. A. Allen —

On motion the Executive session adjourned Sine die —

Chas. [illegible]
Secretary —

IDAHO LEGISLATURE.

RULES OF THE COUNCIL.

5th Session.

THE COMMITTEE appointed to prepare Standing Rules for the government of the Legislative Council of the Territory of Idaho, would respectfully report the following Rules, and recommend their adoption:

I.

The Council shall choose, by ballot, one of the members to occupy the Chair, who shall be entitled PRESIDENT OF THE COUNCIL, and who shall hold his office during the Session thereof, unless he be removed therefrom by a vote of two-thirds of the members present.

II.

The President shall take the Chair at the hour to which the Council shall have adjourned; shall immediately call the members to order and on the appearance of a quorum shall cause the Journal of the preceding day to be read and corrected.

III.

He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the Council by any member, and said appeal shall prevail when voted for by two-thirds of the members present.

IV.

He shall rise to put a question, but may state it sitting.

V.

Questions shall be distinctly put in this form, to-wit: "As many as are of the opinion that (as the question may be,) say Aye," and after the affirmative voice is expressed, "As many as are of the contrary opinion, say No." If the President doubt, or a division be called for, the Council shall divide; those in the affirmative of a question shall first rise from their seats, and afterwards those in the negative.

VI.

The President shall call some member to the Chair when the Council votes to go into Committee of the Whole, and may then debate the question before the Committee. He shall also have the right to name a member to perform the duties of the Chair, but each substitution shall not extend beyond an adjournment. In the absence of the President, except as above, the Council shall appoint a President PRO TEMPORE.

VII.

He shall appoint all Committees, unless otherwise directed by the Council. He shall sign all Acts, Memorials, Addresses and Resolutions; and all Writs, Warrants and Subpœnas (issued by the Council,) shall be signed by him and attested by the Secretary.

VIII.

In all cases of voting by ballot, the President shall vote; in other cases he shall not be required to vote unless the Council be equally divided, and in all cases he shall vote last.

IX

In all cases of any disturbance or disorderly conduct in the lobby the President (or Chairman of the Committee of the Whole) shall have power to order the same to be cleared.

X

Reporters wishing to take down the debates may be admitted by the President, who shall assign such places to them on the floor, or elsewhere, to effect their object, as shall not interfere with the convenience of the Council.

XI.

After the Journal shall have been read and corrected, the order of business shall be as follows:

ORDER OF BUSINESS.

1st. Letters, Petitions, Memorials, Resolutions, Remonstrances and Accompanying Documents, may be presented and referred without debate.

2d. Notices of leave to introduce Bills may be given, and Bills may be introduced on leave granted.

3d. Reports of Committees may be made and considered: 1st. from Standing Committees; 2d. from Select Committees.

4th. Messages and other Executive Communications.

5th. Messages from the House of Representatives, and amendments proposed by the House of Representatives to Bills from the Council.

6th. Bills and Resolutions from the House of Representatives on their Second Reading.

7th. Bills on their Third Reading.

8th. Bills ready for Third Reading.

9th. Bills reported by a Committee of the Whole.

10th. Bills in which a Committee of the Whole has made progress, and has leave to sit again.

11th. Bills not yet considered in Committee of the Whole.

12th. Miscellaneous Business.

XII.

Bills of a public nature shall always have preference of private Bills.

XIII.

When any member is about to speak in debate, or deliver any matter to the Council, he shall rise from his seat and respectfully address himself to "Mr. President," and shall confine himself to the question under debate and avoid personality.

XIV.

Whenever any member is called to order, he shall sit down until it is determined whether he is in order or not; and if a member be called to order for words spoken in debate, the exceptionable words shall be taken down in writing immediately.

XV.

When two or more members happen to rise at once, the President shall name the member who is first to speak.

XVI.

No member shall speak more than twice on the same question; nor more than once on a question of commitment, without leave of the Council; nor more than two hours on any question, without leave.

XVII.

Whilst the President is putting any question, or addressing the Council, none shall walk out, or across the room; nor, in such case, or when a member is speaking shall entertain private discourse; nor, whilst a member is speaking shall pass between him and the Chair. Every member shall remain uncovered during the Session of the Council. No member, or other person, shall visit or remain by the Secretary's table while the ayes and noes are calling, or ballots are counting.

XVIII.

No member shall vote on any question in any case where he was not within the bar of the Council when the question was put, unless by leave of the Council.

XIX.

Upon a division and count of the Council on any question, no member without the bar shall be counted.

XX.

Every member, who shall be in the Council when the question is put, shall give his vote, unless the Council, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the Council divides, or before the calling of the ayes and noes is commenced; and any member wishing to be excused from voting may may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

XXI.

When a motion is made and seconded, it shall be stated by the President; and being in writing, it shall be handed to the Secretary and read aloud before debate.

XXII.

Every motion shall be reduced to writing, if the President or any member desire it.

XXIII.

After a motion is stated by the President, or read by the Secretary, it shall be deemed to be in the possession of the Council, but may be withdrawn at any time before a decision or amendment.

XXIV.

When a question is under debate no motion shall be received, unless to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit, to amend, or to postpone indefinitely, and these several motions shall have precedence in the order in which they stand arranged. A motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall not be again allowed on the same day, and at the same stage of the Bill or proposition. A motion to strike out the enacting words of a Bill shall have precedence of a motion to amend, and if carried shall be equivalent to the rejection of the Bill.

XXV.

A motion to adjourn shall always be in order; that and the motion to lie on the table shall be decided without debate.

XXVI.

The previous question shall be in this form: "Shall the main question now be put?" It shall be only admitted when demanded by a majority of the members present, and until it is decided, shall preclude amendments and further debate on the main question. On a motion for the previous question, and prior to the main question being put, a call of the Council shall be in order.

XXVII.

On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

XXVIII.

When a motion or question has been once put, and carried in the affirmative or negative, it shall be in order for any member who voted in the majority, or when the Council is equally divided, for a member who voted in the negative, to move for a reconsideration thereof on the same or the succeeding day, and such motion shall take precededce of all other questions except a motion to adjourn. A motion for reconsideration being put and lost, shall not be renewed.

XXIX.

Any member may call for a division of the question when the same will admit of it. A motion to strike out and insert shall be deemed to be indivisible. A motion to strike out being lost, shall not preclude an amendment, nor a motion to strike out and insert.

XXX.

In presenting a Petition, Memorial, Remonstrance, or other Communication addressed to the Council or Legislative Assembly, the member shall only state the general purport of it.

XXXI.

Every Petition, Memorial, Remonstrance, Resolution, Bill, and Report of Committee, shall be endorsed with its appropriate title, and immediately under the endorsement the name of the member presenting the same shall be written.

XXXII.

Any member may make a call of the Council, and require absent members to be sent for, but a call of the Council cannot be made after the voting has commenced—and the call of the Council being ordered and the Absentees noted, the doors shall be closed and no member permitted to leave the room until the Report of the Sergeant-at-Arms be received and acted upon, or further proceedings in the call be suspended.

XXXIII.

The entire Council shall constitute a Standing Committee for the consideration of all subjects of legislation.

XXXIV.

The rules observed in Council shall govern, as far as practicable, the proceedings in the Committee of the Whole, except that a member may speak oftener than twice on the same subject, and that a call for the yeas and nays, or for the previous question, cannot be made.

XXXV.

Amendments made in Committee of the Whole shall be entered on a separate piece of paper, and so reported to the Council by the Chairman, standing in his place, which amendments shall not be read by the President, unless required by one or more of the members. The report having first been acted upon, the Bill shall then be subject to debate and amendment before the question to engross be taken.

XXXVI.

All Bills and Resolutions shall be introduced by motion or leave, or upon the reports of Committees. Members introducing a Bill, shall always give one day's notice of a motion to bring it in, and, when brought in, it shall be endorsed with a name of the member or Committee.

XXXVII.

Every Bill or Joint Resolution, requiring the approval of the Governor, shall receive three several readings, previous to its passage. The first reading shall be at length, and no Bill shall receive a second and third reading on the same day.

XXXVIII.

No Bill or Joint Resolution shall be committed or amended until it has been twice read. If objections are made to a Bill on its first reading, the question shall be: "Shall the Bill be rejected?" If no objection be made, or the question to reject be lost, the Bill shall go to its second reading.

XXXIX.

All Memorials, Bills and Joint Resolutions requiring the approval of the Governor and making appropriations of money shall, on the second reading, be considered in Committee of the Whole before they shall be acted upon in the Council; and those originating in the Council shall not be printed until after being reported from the Committee of the Whole, or a Standing Committee unless otherwise especially ordered by the Council.

XL.

All Bills, Resolutions and Amendments, after being printed, shall remain at least one day on the Files before being considered.

XLI.

The final question upon the second reading of every Bill or other paper originating in the Council, and requiring three readings previous to being passed, shall be: "Shall it be engrossed and read a third time?" and upon every such Bill or paper originating in the House of Representatives: "Shall it be read a third time?"

XLII.

No amendment shall be received on third reading, except to fill blanks, without the unanimous consent of the Council. In filling blanks the largest sum, longest time, and greatest distance shall be first taken.

XLIII.

A Bill or Resolution may be committed at any time previous to its passage; and if any amendment be reported upon such commitment by any other than a Committee of the Whole, it shall be again read the second time, considered in the Committee of the Whole, when appropriating money, and the question for third reading and passage again put.

XLIV.

Every Bill, Joint Resolution, or Memorial, originating in the Council, shall be carefully engrossed before being transmitted to the House of Representatives for concurrence.

XLV.

Immediately after the passage of any Bill, or other papers to which the concurrence of the House of Representatives is to be asked, it shall be the duty of the Secretary to transmit the same to the House, unless some member of the Council shall make a motion to reconsider the vote by which the Council passed said Bill, or other papers in which case the Secretary shall not transmit said Bill, or other papers, until the motion to reconsider has been put; and on the concurrence in any Bill or other paper of the House of Representatives by the Council, or on the concurrence or disagreement in any vote of the House, it shall also be the duty of the Secretary to notify the House thereof.

XLVI.

Memorials to Congress, to the President of the United States, or to the head of either of the Departments, shall be considered in Committee of the Whole before being adopted.

XLVII.

It shall be competent for any member, when a question is being taken, to call for the yeas and nayes, which shall be inserted in the Journal. A call for the yeas and nayes cannot be interrupted in any manner whatever except by a motion to adjourn.

XLVIII.

Committees shall not absent themselves from the Council by reason of their appointment, without special leave for that purpose be first obtained.

XLIX.

It shall be in order for the Standing Committees to report Enrolled Bills and Resolutions at any time.

L.

The subordinate officers provided for by the Organic Act shall be elected by ballot, and hold their term of office during the pleasure of the Council. The Secretary shall keep a correct Journal of the daily proceedings of the Council, and shall perform such other duties as shall be assigned to him as such Secretary; he shall permit no Journals, Records, Accounts, or papers, to be taken from the table or out of his custody, other than in the regular mode of business, and if any papers in his charge shall be missing, he shall report the fact to the President, that inquiry may be made; he shall superintend the recording of the Journal of proceedings, the engrossing, enrolling, transcribing, and copying of Bills and Resolutions, and generally perform the duties of Secretary under the direction of the President. These officers shall severally take an oath truly and faithfully to discharge their respective duties of office.

LI.

The proceedings of the Council on Executive business shall be kept in a separate Book of Records to be provided by the Secretary of the Council, and published with the proceedings of the Council.

LII.

The rules of Parliamentary practice, comprised in Jefferson's Manual, shall govern the Council in all cases to which they are applicable, and in which thye are not inconsistent with these Rules and the Orders of the Council and House of Representatives.

LIII.

The President is authorized to administer all oaths prescribed by the foregoing rules.

LIV.

The standing hour for the daily meeting of the Council shall be eleven o'clock in the morning, until the Council direct otherwise.

LV.

The Governor, Secretary of the Territory, Judges of the Supreme Court, Delegates to Congress, Members of Congress, of State Legislatures, and of the House of Representatives, and Ladies, may be admitted to seats within the bar of the Council.

LVI.

No standing Rule or order of the Council shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any Rule be rescinded, changed or suspended, except by a vote of at least two-thirds of the members present.

LVII.

Every resolution debated shall lie over one day.

LVIII.

In taking the vote upon the final passage of all Bills, Joint or other Resolutions, the yeas and nayes shall be called by the Secretary and recorded upon the Journal.

LIX.

The Sergeant-at-Arms shall receive for every arrest, the sum of one dollar and fifty cents, to be paid from the Territorial Treasury. For each day's custody and releasement, two dollars to be paid by the member arrested, unless such member shall be excused by the Council. For traveling expenses for himself or a special messenger, going and returning, fifty cents per mile, to be paid out of the Territorial Treasury.

LX.

There shall be the following Standing Committees of the Council: 1. Judiciary; 2. Finance; 3. Federal Relations; 4. Territorial Affairs; 5. Mines and Mining; 6. Incorporations; 7. Elections; 8. Counties and County Boundaries; 9. Military Affairs; 10. Education; 11. Roads and Highways; 12. Printing; 13. Mileage; 14. Engrossed Bills; 15. Enrolled Bills; 16. Agriculture; 17. Mails and Mail Facilities.

IDAHO LEGISLATURE.

JOINT RULES

OF THE

COUNCIL AND HOUSE OF REPRESENTATIVES.

5th Session.

I.

In every case of an amendment of a Bill agreed to in one House and dissented from in another, if either House shall request a conference and appoint a Committee to confer, the other House shall appoint a like Committee; and such Committees shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

II.

When a message shall be sent from either House it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

III.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

IV.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

V.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the House of Representatives, or of the Council, as the Bill may have originated in the one or the other House, before it shall be presented to the Governor of the Territory.

VI.

When Bills are enrolled they shall be examined by the Enrolling Committee of the House in which they originated, who shall carefully compare the enrollment with the engrossed Bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled Bill, make their report forthwith to the House in which the Bill originated.

VII.

After an examination and report, each Bill shall be signed by the respective Houses; first by the Speaker of the House of Representatives, then by the President of the Council.

VIII.

After a Bill shall have been thus signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to the Governor of the Territory for his approval, (it being first endorsed on the back of the roll by the Secretary or Clerk as the case may be, certifying in which House the Bill originated.) The said Committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the Bill originated.

IX.

All Orders, Resolutions and Votes, which are to be presented to the Governor of the Territory for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner, and by the same Committee, as provided in the case of Bills.

X.

When the Council and House of Representatives shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber by the President of the Council, in the presence of the Speaker and both Houses.

XI.

When a Bill or Resolution which shall have passed in one House is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

XII.

When a Bill or Resolution which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

XIII.

Each House shall transmit to the other, papers on which any Bills or Resolutions shall be founded.

XIV.

After each House shall have once adhered to their disagreement, a Bill or Resolution shall be lost.

XV.

No Bill or Resolution that shall have passed the House of Representatives and Council shall be presented to the Governor for his approval on the last day of the Session.

XVI.

There shall be a Joint Standing Committee of one from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what parts of such matter is needful to print.

XVII.

No increase of the pay of any officer or attache of the Council or House of Representatives shall be made by resolution except by a two-thirds vote of each House.

XVIII.

All Concurrent or Joint Resolutions which relate to or contain communications to the Federal Government, and such as have the force and effect of law shall be treated as Bills.

Council Chamber Boise City
I. T. January 16th AD 1869

I the undersigned do hereby certify that the foregoing contains a true, correct and complete record of the proceedings of the Council of the Legislative Assembly of Idaho Territory at the Fifth Session thereof; being the First Biennial Session which commenced and was held at Boise City in Ada County Idaho Territory the Capitol of said territory on the Seventh day of December AD 1868 and ending on the Fifteenth day of January AD 1869 both days inclusive.

In testimony whereof I have hereto set my hand on this the Sixteenth day of January AD 1869.

Geo. Ainslie
Secretary of the Council
5th Session